

AMERICAN *History*



High Crimes

Perils of Impeachment:
What Have We Learned?

Plus:

HIGHWAY TO THE FUTURE
SHAKERS' COMPLICATED GIFTS
YANKS IN THE IDF—IN 1948

February 2019
HistoryNet.com

HISTORYNET

VISIT...

LANZAROTE
Caliente.COM

Personalized Man-Style Dopp Bag

Every guy needs this dependable bag to carry shave kit, toothbrush, deodorant, etc. Washed cotton canvas; 2 zippered compartments, 3 pockets. 4x6x11"W. Tan (right), or Dark Grey (below), **\$34.99 each** (includes monogram)

Durable, Monogrammed, large Canvas Duffel

An essential travel basic, roomy bag has assorted exterior/interior sections, reinforced handles, adjustable strap. 10x16x24"W. Tan, or Dark Grey, **\$69.99 each** (includes monogram)

Customized Messenger Bag

Manly good looks. Cotton-lined canvas, 6 outer, 2 zip pockets; padded tablet/laptop pouch, hand grip, shoulder strap; 3x11½x15"H. **\$49.99** (includes monogram)

Personalized Laptop Tote

Handsome, rugged, practical. Cotton-lined canvas, cushioned with foam, zip tote has 6 pockets, hand grip, shoulder strap. 3x11x16"W, **\$59.99** (includes monogram)



OUR TRAVEL BAGS COME WITH OUR STAMP OF APPROVAL... JUST ADD YOURS.

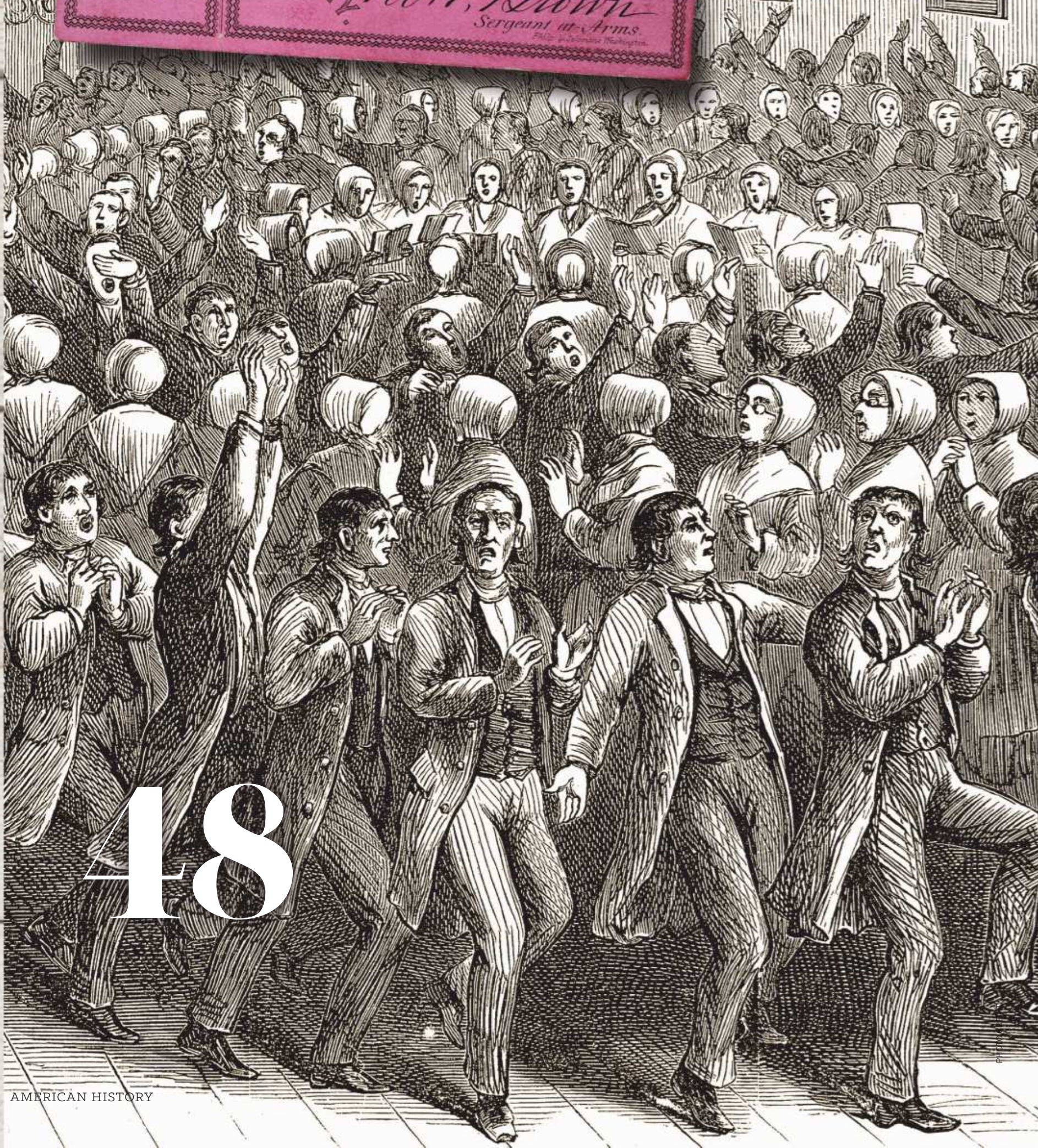
Our durable Lillian Vernon men's travel bags are built to last. Each is crafted of cotton-lined canvas with reinforced handles and extra-strength zippers. Best of all, we'll embroider the bag with your initials—so there's no mistaking which is yours. Ordering is easy. Shipping is free.* Go to LillianVernon.com

LILLIAN VERNON

The Personalization Experts Since 1951

*FREE SHIPPING ON ORDERS OVER \$50. USE PROMO CODE: **HISAHI18** LILLIANVERNON.COM/AHI

ONLY ONE PROMO CODE PER ORDER. OFFERS CANNOT BE COMBINED. OFFER APPLIES TO STANDARD SHIPPING ONLY. ALL ORDERS ARE ASSESSED A CARE & PACKAGING FEE. OFFER USE IS UNLIMITED FOR 30 DAYS.



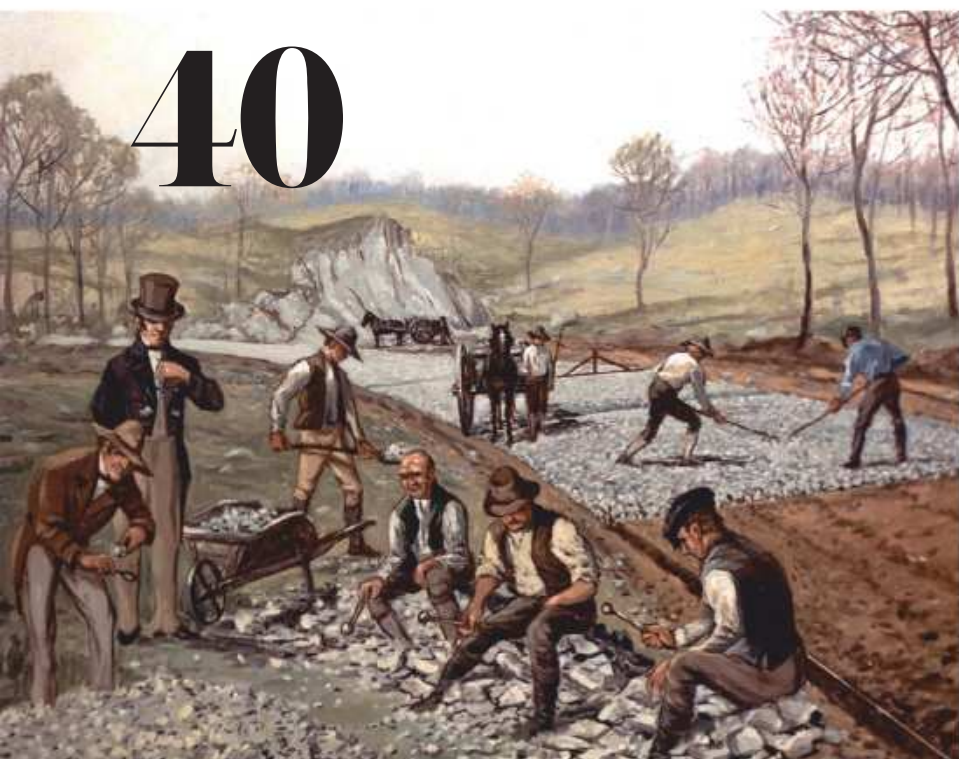
48

AMERICAN

History

FEBRUARY 2019

40



56

ON THE COVER: Presidents Andrew Johnson, Bill Clinton, and Richard Nixon inevitably come up when the topic is impeachment, though only the first two were impeached.

FEATURES

32 High Crimes

The perils of impeachment—200+ years of defining constitutional criminality *By Joseph Connor*

40 Road to the Future

The National Road was a massive first in infrastructure, American-style *By Rich Jensen*

48 Complicated Gifts

The Shakers—revolutionaries and artisans—were irrepressible innovators *By Ann Morrow*

56 Yanks in the IDF

When Israel declared statehood, American volunteers rushed to the sound of the guns *By Raanan Geberer*

DEPARTMENTS

6 Mosaic

News from out of the past

12 Contributors

14 Interview

Richard Brookhiser on Chief Justice John Marshall's centrality to the Supreme Court's evolution

16 Déjà Vu

The oldest tradition in White House service is bucking the boss as a way to get ahead

20 American Schemers

Edward Pollard confected the Lost Cause and set the stage for Jim Crow

22 SCOTUS 101

In Clarence Gideon's appeal, the justices found a tool for fixing a bad precedent

24 Cameo

Before John Booth turned murderous, he tried to find his inner J.R. Ewing

26 Style

NASA, national parks both looking good

66 Reviews

72 An American Place

Rocky Mount, North Carolina



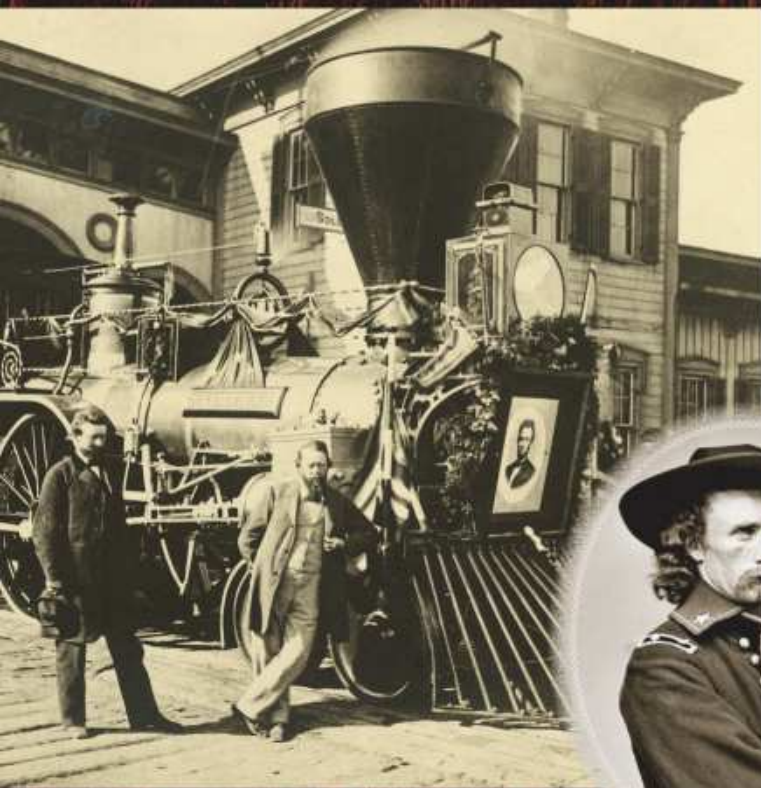
21

An 1874 illustration shows Southern whites poised to keep fellow citizens from voting while black.

CLOCKWISE FROM LEFT: GRANGER, NYC; THE FRENT COLLECTION/GETTY IMAGES; FEDERAL HIGHWAY ADMINISTRATION; GRANGER, NYC; HISTORIC COLLECTION/ALAMY STOCK PHOTO; COVER: FROM LEFT: LIBRARY OF CONGRESS; STEPHEN JAFFE/GETTY IMAGES; STEVE NORTHRUP/THE LIFE IMAGES COLLECTION/GETTY IMAGES/PHOTO ILLUSTRATION: BRIAN WALKER.

AMERICAN HISTORY ONLINE

Visit HistoryNet.com/American-History and search our archive for great stories like these:



^ **Circuit of Sadness: Lincoln's Last Journey**

On April 21, 1865, trains began carrying a president from the capital to Springfield, Illinois, for interment.

An Earlier Custer Clusterbungle

When he blew an 1867 mission, the U.S. Army nearly cashiered the flamboyant George Custer (inset).

Billy Mitchell's Strategic Debut

As WWI was ending, the aviation pioneer led a 1,500-plane force in the first big test of American air power.

HISTORYNET *Now*

Love history? Sign up for our *FREE* monthly e-newsletter at: historynet.com/newsletters



FOLLOW US AT
facebook.com/AmericanHistoryMag

HISTORYNET

MICHAEL A. REINSTEIN CHAIRMAN & PUBLISHER
DAVID STEINHAFEL PUBLISHER
ALEX NEILL EDITOR IN CHIEF

AMERICAN *History*

FEBRUARY 2019 VOL. 53, NO. 6

MICHAEL DOLAN EDITOR
NANCY TAPPAN SENIOR EDITOR
SARAH RICHARDSON SENIOR EDITOR

STEPHEN KAMIFUJI CREATIVE DIRECTOR
BRIAN WALKER GROUP ART DIRECTOR
JON C. BOCK ART DIRECTOR
MELISSA A. WINN DIRECTOR OF PHOTOGRAPHY

CORPORATE

DOUG NEIMAN CHIEF REVENUE OFFICER
ROB WILKINS DIRECTOR OF PARTNERSHIP MARKETING
TOM GRIFFITHS CORPORATE DEVELOPMENT
GRAYDON SHEINBERG CORPORATE DEVELOPMENT

ADVERTISING

MORTON GREENBERG SVP Advertising Sales mgreenberg@mco.com
COURTNEY FORTUNE Advertising Services cfortune@historynet.com
TERRY JENKINS Regional Sales Manager tjenkins@historynet.com
RICK GOWER Regional Sales Manager rick@rickgower.com
RICHARD VINCENT Regional Sales Manager rvincent@historynet.com

DIRECT RESPONSE ADVERTISING

NANCY FORMAN / MEDIA PEOPLE
212-779-7172 ext. 224 nforman@mediapeople.com

SUBSCRIPTION INFORMATION: SHOP.HISTORYNET.COM or 800-435-0715
YEARLY SUBSCRIPTIONS IN U.S.: \$39.95

American History (ISSN 1076-8866) is published bimonthly by HistoryNet, LLC
1919 Gallows Road, Suite 400, Vienna, VA, 22182-4038, 703-771-9400
Periodical postage paid at Vienna, VA and additional mailing offices.
POSTMASTER, send address changes to American History,
P.O. Box 422224, Palm Coast, FL 32142-2224
List Rental Inquiries: Belkys Reyes, Lake Group Media, Inc.
914-925-2406; belkys.reyes@lakegroupmedia.com
Canada Publications Mail Agreement No. 41342519,
Canadian GST No. 821371408RT0001

© 2019 HistoryNet, LLC

The contents of this magazine may not be reproduced in whole or in part without the written consent of HistoryNet LLC.

PROUDLY MADE IN THE USA



Only \$29!

You would be hard pressed to find a timepiece of this outstanding quality and precision at this price.



*"Are you kidding?
What a great watch
at a ridiculous price.
Thank you Stauer!"*
— Gitto, Hicksville NY

IT'S ENOUGH TO MAKE YOU BLUE IN THE FACE

Time to take a stand against overpriced watches with the Stauer Urban Blue, **now only \$29.**

You need a new watch...the one you are wearing was made when Nixon was in office, but extravagantly-priced watches that add zeros just because of a high falootin' name are an insult to your logic. Why shell out big money so some foreign company can sponsor another yacht race? It's time to put an end to such madness. It's absolutely possible to have the highest quality, precision classic timepiece without the high and mighty price tag. Case in point: The Stauer *Urban Blue*.

Packed with high-end watch performance and style, minus the high-end price tag. It's everything a high-end watch should be: Sturdy stainless steel and genuine leather construction. Precision timing that's accurate to four seconds a day—that's more precise than a 27-jewel automatic watch priced at over \$6,000. And, good looking—with simple, clean lines and a striking metallic blue face.

"Blue watches are one of the growing style trends seen in the watch world in the past few years"—WATCHTIME®

Your great escape from the over-priced watch craze. At Stauer, we go directly to the source (cutting out the middleman), and engineer our own watch designs. This means we can offer a top quality timepiece that happens to only cost the same as two well-made cocktails at your favorite bar. So, while we're busy

revolutionizing the watch industry to bring you more real value, you can take your own stand against overpriced watches with the *Urban Blue*.

Your satisfaction is 100% guaranteed. Wear the *Urban Blue* for 30 days. If you're not convinced that you achieved excellence for less, send it back for a refund of the item price. The *Urban Blue* is one of our fastest sellers. It takes six months to engineer this watch so don't wait. Take a stand against overpriced watches in impeccable style. **Limited to the first 1900 responders to this ad only.** Don't miss out...call today!

Stauer Urban Blue Watch ~~\$199†~~
Offer Code Price **\$29** + S&P **Save \$170**

1-800-333-2045

Your Insider Offer Code: UBW393-02

You must use this insider offer code to get our special price.

Stauer®

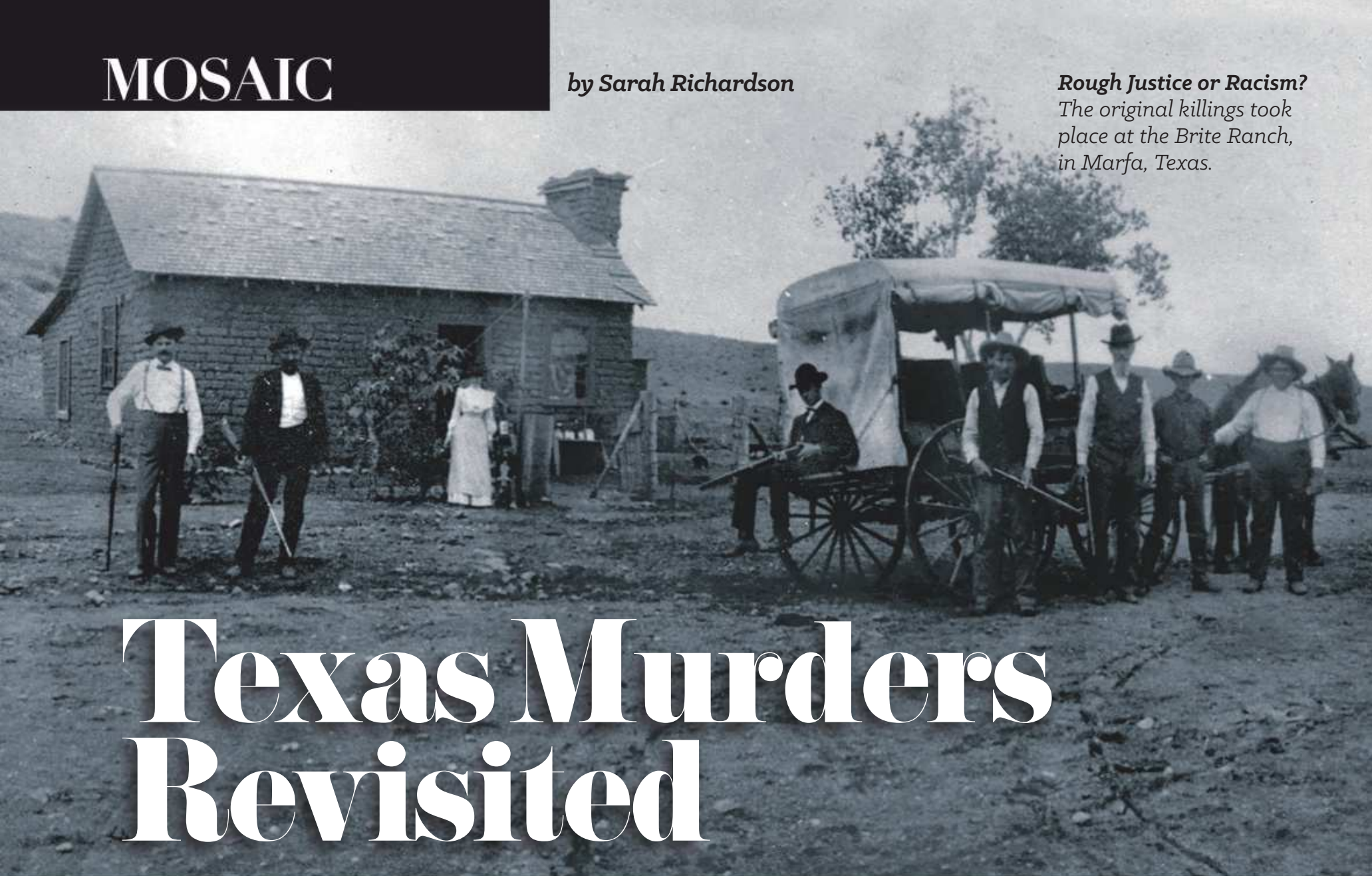
14101 Southcross Drive W.,
Ste 155, Dept. UBW393-02
Burnsville, Minnesota 55337
www.stauer.com



† Special price only for customers using the offer code versus the price on Stauer.com without your offer code.

Precision movement • Stainless steel caseback and crown • Cotswold™ mineral crystal • Date window
• Water resistant to 3 ATM • Genuine leather band fits wrists 6 3/4"–8 3/4"

Stauer... *Afford the Extraordinary.®*



Texas Murders Revisited

On the night of January 27, 1918, Texas Rangers and local ranchers stormed into Porvenir, a Latino farming community on the Texas side of the Rio Grande River. The interlopers seized 15 sleeping men and boys out of their beds and on a nearby hill executed them. Porvenir emptied, but survivors never forgot. The slayings were said to be vengeance for a cross-border raid by Mexicans that killed three. However, descendants of the murder victims say the killings were part of a campaign in Texas against people of Mexican descent. Advocates persuaded the Texas Historical Commission to approve an official marker memorializing the event. However, in August the Presidio County Historical Committee postponed production of the marker to review the wording of its message. Each year since 2006, Texas, a leader in refocusing historical memory, has been recognizing 15 obscure or forgotten Texan individuals, places, and events. Selections in 2018 for the state program included Dixie Freedom Colony near Port Arthur, an example of unincorporated communities of African-Americans who settled in Texas after the Civil War.



Stern Stuff

At 1:30 a.m. August 18, 1943, American forces were concluding the recapture of Kiska and Attu, the easternmost Aleutian Islands, from Japan. The USS *Abner Read* was in the Bering Sea hunting Japanese submarines when a blast, probably from an enemy mine, ripped off the destroyer's stern, killing 71 of 300 crewmen. On July 11, 2018, technicians using imaging gear found the shattered stern about 300 feet down. No human remains were evident, and no searches will be done; the site is considered a war grave. According to CNN.com, in the aftermath fuel oil coating men thrown in the water complicated rescue efforts. Other vessels towed *Read* to shore for repair. The ship served until November 1944, when it fell prey to a kamikaze during the Battle of Leyte Gulf in the Philippines. For more visit bit.ly/ussread.

Beeswax on the Beach

Court: Hulk is France's

A judge in Orlando, Florida, in June 2018 recognized France's claim to a shipwreck related to an early struggle over colonizing North America. Salvors with Global Marine Exploration found the wreck near Cape Canaveral, claiming the find in U.S. District Court in 2016. France countered that the ship was part of a fleet sent to North America in 1565 to resupply French colony Fort Caroline, below, established by Huguenots the year before on the St. Johns River in what is now Jacksonville. Admiral Jean Ribault was leading the campaign to establish France on the North American continent. A storm sank most of Ribault's fleet, but *La Trinité*, its largest vessel, grounded on a sandbar at the site where Global Marine found the wreck. Spain also coveted Florida. Forces led by Spanish admiral Pedro Menéndez killed Ribault and the other shipwrecked French sailors, along with most of the settlers at Fort Caroline. France made several points in its counter-claim. The ship was found on the central Florida coast near where Fort Caroline is thought to have stood. At the wreck salvors found three bronze cannons fitting descriptions in the *La Trinité* artillery register and bearing the fleur-de-lis, a French symbol. Also present at the site: a granite monument inscribed to the French king, a device French explorers employed to stake claims in the New World.

Since the 1800s locals near Nehalem Spit on Oregon's coast have been collecting and selling beeswax that mysteriously washes up. Local lore holds that the source is a sunken Spanish galleon. Scholars publishing in *Oregon Historical Quarterly* say the likeliest vessel was *Santo Cristo de Burgos*, a huge galleon that left Manila for Acapulco, Mexico, in July 1693 carrying Chinese porcelain, beeswax, and 2.5 tons of liquid mercury poured into small leather bags and packed into barrels. Spain's empire ran on these commodities: beeswax went into ecclesiastical candles for the New World, whose native bees did not make wax. Refiners used mercury to extract silver from ores mined at Spanish holdings in the Americas. *Santo Cristo de Burgos*, a galleon or "castle on the sea" whose construction could require the wood of 2,000 trees, never reached Acapulco. Seeking insights into trade patterns and lost vessels, the authors studied documents in Manila, and Seville, Spain. Galleons were built in the Philippines, Spain's Asian commercial hub, also the scene of trade in Chinese goods and goods from the New World. The Manila-to-Acapulco route, a six-to-eight-month sail, took galleons to the northern coast of what is now California, whereupon captains hugged the coast south to reach Acapulco. Perhaps disabled, *Santo Cristo de Burgos*, one of four lost and unaccounted-for Acapulco-bound galleons, could have drifted north with its 200 passengers and crewmen and come to grief off the Pacific Northwest, where oral history among the indigenous Clatsop people mentions strangers washing up. The scholars hope to search for the wreck, possibly identifiable by mercury on the seabed.

Bobbing Beeswax

Above, castaway wax lumps thought to come from a Spanish galleon wrecked long ago.



Surfmania!



California finally has an official state sport: surfing. Governor Jerry Brown's August 20, 2018, proclamation acknowledges the pastime's economic, cultural, and athletic benefits, attracting as it does droves to breaks like Malibu and Half Moon Bay. Love of surfing has helped protect public access to beaches as well. California has mandated access to beaches, within certain limits, since 1976. Surfrider Foundation recently prevailed over a billionaire seaside landowner seeking to close off Martins Beach, bordering his 89-acre property in San Mateo County. The United States welcomed

surfing more than a century ago. California writer Jack London learned to surf in Hawaii, a historic center of the sport. In a 1907 article in *Women's Home Companion* London hailed surfriding as "a royal sport, for natural kings of the earth." Around the same time, vacationing Los Angeles industrialist Henry Huntington, seeing Hawaiian George Freeth riding waves off Honolulu, brought Freeth stateside, promoting him as the "man who walked on water." Freeth taught surfing and worked as a lifeguard in San Diego until he died in the 1918 flu epidemic.



As She May Have Been
Digital artists working from Peterson's remains were able to portray her as she might have looked when alive.



etery for free blacks. In 1848 Providence, Rhode Island, stove maker Almond Dunbar Fisk, hoping to address the problem of preserving corpses and containing contagion, patented a waterproof cast-iron coffin with a porthole for viewing remains without risk. Former First Lady Dolley Madison's survivors buried her in a Fisk. The cast-iron coffin vogue lasted about a decade. bit.ly/queenscoffin.

Coffin Culture

When a body turned up in 2011 at an excavation site in New York City, left, foul play was suspected. However, nearby forensic specialists found a damaged but still handsome cast-iron coffin dating to the mid-1800s. The essentially mummified remains in the coffin likely are of Martha Peterson, 26, a free black woman who worked for a partner in the coffin business. Peterson had been buried in what was then a cem-



BOULDER CREST RETREAT FOR MILITARY & VETERAN WELLNESS



BOULDER CREST RETREAT



HEALING HEROES. ONE FAMILY AT A TIME.

As a nation, we make a special covenant with the men and women we send into harm's way. In exchange for their service and sacrifice, we commit to bringing them all the way home. Unfortunately, far too many post-9/11 combat veterans — 700,000 according to most estimates — are still struggling with the visible and invisible wounds of war.

Boulder Crest Retreat, located in Virginia's Blue Ridge Mountains, is built to honor that commitment — and ensure that combat veterans can be just as productive and service-oriented at home as they were on the battlefield. Through innovative, free, world-class combat stress recovery programs, we enable combat veterans to make peace with their past, live in the present, and plan for a great life here at home.

The generosity of supporters across Virginia and the country allow us to offer these programs at no cost to veterans. Your continued support, as individuals, organizations and foundations, ensures that we can bring these remarkable heroes all the way home.

Together, we can heal our nation's heroes. One warrior and one family at a time.
To donate or for more info, please call 540.554.2727 or visit www.bouldercrestretreat.org.

The Boulder Crest Retreat Foundation is a 501(c)(3) nonprofit organization.





Water's Win
Main Street in Ellicott City, Maryland after a 2016 Tiber River flood.

Water Work

The Tiber River and its tributaries flow through hilly, colonial-era Ellicott City, Maryland, which has a history of severe floods. An 1868 inundation killed more than three dozen. In 2016, two residents died when a surging Tiber, eight feet high and powerful enough to lift vehicles, smashed through town. That episode and a more recent flood have driven the town, founded in 1772, to reconfigure itself to address water issues. A five-year plan entails improving drainage by widening the Tiber and removing about five percent of the historic district; 12 of those 19 buildings are on Main Street. Non-profit Preservation Maryland is challenging the proposal, arguing instead to channel runoff through a tunnel. Historic Eastern Seaboard locales at similar risk include Annapolis, Maryland; Jamestown, Virginia; Charleston, South Carolina; and Boston, Massachusetts.

A Boy's Own Book

A copy of *The Compleat Surveyor* George Washington used to learn that trade now belongs to Mount Vernon. In 1745, Washington, 13, borrowed neighbor Colonel William Fairfax's copy of the 1679 manual, written by William Leybourn. The young Washington cut his surveying teeth working with Fairfax's son, George William, in western Virginia. Washington kept the book, exercises from which appear in his notes from those days. Besides friendship, another tie bound Washington to the Fairfaxes. In 1747, George Fairfax wed Sarah "Sally" Cary. Sally Fairfax, a product of the upper class, helped her husband's young friend learn manners. Washington was smitten and a decade later told Sally Fairfax so before he married Martha Washington. After the Revolution, Sally Fairfax moved to England with her Tory husband. "I know now the worthy man is to be preferred to the high-born," she remarked in a letter to a relative.



TOP BID White & Black



Charles White's 1965 portrait of a young black man amid obscuring gloom (bit.ly/Whitepainting) sold for more than triple the estimate at an October 9, 2018, Swann auction. White drew "Nobody Knows My Name" in Los Angeles, where he was living the year of Malcolm X's assassination, the Watts Rebellion, the March on Selma, Alabama, and the passage of the Voting Rights Act. Born in 1918, White grew up in Chicago. He studied at the Art Institute of Chicago and the Art Students League of New York. He regarded his work as a tool for social change. "Art must be an integral part of the struggle. It can't simply mirror what's taking place," he wrote. "It must adapt itself to human needs. It must ally itself with the forces of liberation. The fact is, artists have always been propagandists. I have no use for artists who try to divorce themselves from the struggle." He mentored other African-American artists, such as painter Kerry Marshall, and died in 1979. "Nobody Knows My Name" sold for **\$485,000**; its auction price had been estimated at \$100,000 to \$150,000.

Own the "Gem of the Century"



Incredibly rare find is now available to the public for **ONLY \$59!**

For centuries, the "Big Four"—diamonds, rubies, emeralds and sapphires—ruled the gem world. When tanzanite debuted in 1967, it was a sensation. Unlike those other stones, which are mined all over the world, tanzanite can be found in only one place on Earth: in the remote Merelani Hills in the shadow of Mt. Kilimanjaro in Tanzania, Africa.

HUGE SAVINGS
TAKE 85% OFF THE
KARATU TANZANITE RING
WHEN YOU USE YOUR OFFER CODE

Gem of the century meets deal of the century. With its remarkable rarity and unique gemstone qualities, it's no wonder that experts have dubbed it, "the gemstone of the 20th century." In recent years, top-quality tanzanite gems have fetched higher prices at auction than rubies, emeralds or diamonds! But because we buy direct and use our own designers, we are able to offer you this rare beauty for **ONLY \$59!**

What makes tanzanite so irresistible to jewelers and gem experts? Part of its appeal is the beautiful violet blue color. Tanzanite is also trichroic—which means that three different colors are visible when the stone is viewed from different angles.

"This ring is unbelievable. I've owned some spectacular high-dollar gemstones in my life and this ring will compete with any of them!" —Katharine, Shreveport, LA

Henry Platt, past president and chairman of Tiffany & Company, called Tanzanite "The most important gemstone discovery in over 2,000 years."

A gemstone found only one place on earth, means supply is extremely limited. Get your hands on the *Karatu Tanzanite Ring* before they're gone!

Your satisfaction is 100% guaranteed. Experience the rare beauty of the *Karatu Tanzanite Ring* for one month. If you're not completely awestruck, simply send it back within 30 days for a complete refund of the sale price. We want you to feel like you got the deal of the century!

With over 4,000 sold, we currently have less than 2,000 in stock!

Karatu Tanzanite Ring ~~\$399~~*

Offer Code Price Only **\$59** + S&P Save **\$340!**

You must use the insider offer code to get our special price.

1-800-333-2045

Your Offer Code: KTR397-02

Please use this code when you order to receive your discount.

Stauer® 14101 Southcross Drive W., Ste 155, Dept. KTR397-02, Burnsville, Minnesota 55337 www.stauer.com



* Special price only for customers using the offer code versus the price on Stauer.com without your offer code.

1 1/5 carats of genuine tanzanite • Lab-created white DiamondAura accents • .925 sterling silver setting • Whole ring sizes 5-10

Smart Luxuries—Surprising Prices™

CONTRIBUTORS



Connor



Geberer



Morrow



Jensen

Frequent contributor **Joseph Connor** (“High Crimes,” p.32), who retired from a career as a prosecutor, uses his familiarity with the law as a foundation for writing about American governance and other topics.

Raanan Geberer (“Yanks in the IDF,” p. 56), a Manhattan-based journalist, last wrote about the current-day state of locales around Brooklyn that figured in the 1776 Battle of Long Island (“Google-Mapping the Revolution,” December 2017).

Richard Jensen (“Highway to the Future,” p. 40) is a writer and historic preservation consultant in Sioux Falls, South Dakota, who does a bit of programming to provide a better life for his cats.

Journalist **Ann Morrow** (“Complicated Gifts,” p. 48) writes from Albany, New York, about the history and culture of the Hudson River region. Most recently she contributed “Saving Olana” (August 2018).

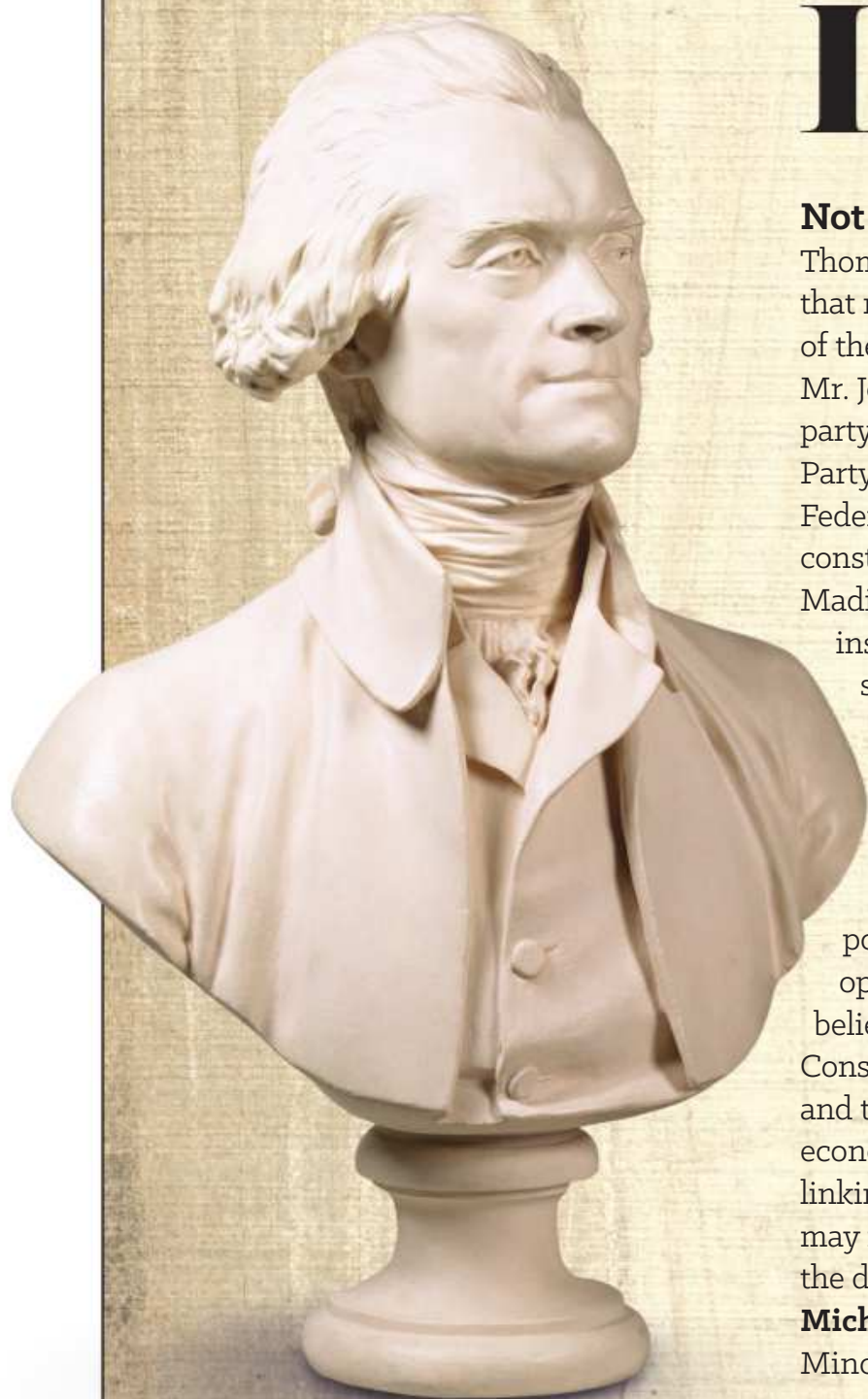
Letters

Not Necessarily So

Thomas Jefferson’s Republican Party is not the current party bearing that name, but Mr. Jefferson’s party certainly was not the forerunner of the current Democratic Party (“’Twas Ever Thus,” December 2018). Mr. Jefferson would have been uncomfortable with either current party. He and James Madison formed the Democratic-Republican Party around 1792 to oppose Alexander Hamilton and his new Federalist Party, with its centralizing policies and attempts at loosely constructing a Constitution. As tight constructionists, Jefferson and Madison favored limiting the Constitution mostly to what that instrument said. They also opposed inflation, debt, and taxes—a stance far different from those of today’s parties. President Andrew Jackson could be considered to have started what is now the Democratic Party. Jackson, like Jefferson and Madison, was a slaveholding plantation owner. However, unlike Jefferson and Madison, Jackson believed in a democracy ruled by the common man; he demonstrated this belief with policies of extended suffrage and, though it encouraged inflation, opposition to banking. Also unlike Jefferson and Madison, Jackson believed in enlarging the presidency’s power and in extending the Constitution’s reach. Jacksonians, who basically represented the South and the West, encouraged national expansion and hands-off economic policies. Many are trying to stretch history by artificially linking Jefferson and today’s Democrats. Beliefs of the 1820s may or may not be simpler and better, but those beliefs do not readily fit into the doctrine of either current party.

Michael Ward

Minot, North Dakota





Exclusives From Gettysburg!

Historic Gettysburg Cigars

Hand crafted and American made cigars available in a variety of sizes and wrappers exclusively from Great Gettysburg Tobacco Company.™

Great **GETTYSBURG**
TOBACCO COMPANY™



We only sell cigars to adults who meet the legal age requirement to purchase tobacco products.

Small Batch Roasted Coffee

Our gourmet coffee beans are hand roasted in small batches providing the most delicious and aromatic cup of coffee you can imagine. Available exclusively from Great Gettysburg Coffee Company.™ Premium Beans. Perfect Roasting. Great Coffee.

Great **GETTYSBURG**
Coffee Company



Hand Cast Aluminum

Hand cast and hand painted pieces make for truly unique home decor.



At GettysGear®, we offer the most unique and interesting hand made products...made right here in Gettysburg! And, you won't find them anywhere else. Stop by for a visit.

GettysGear.com





FACILITATING FEDERALIST

BY MICHAEL DOLAN



First Perch

When John Marshall joined the Supreme Court in 1801, that body was meeting in a room on the ground floor of the north wing of the U.S. Capitol (top).

American History “Déjà Vu” columnist Richard Brookhiser, left, is a journalist, historian, documentary filmmaker, and author. His latest book, *John Marshall: The Man Who Made the Supreme Court* (Basic, 2018) is a biography of a titan of American jurisprudence.

What about Marshall surprised you most?

His humor. Judging is an inherently serious matter, on top of which Marshall found himself in some tight spots thanks to the partisanship that marked his years on the bench (1801-35). Yet he was always up for a good story and a good drink. “I love his laugh,” wrote future associate justice Joseph Story after they first met. I’m glad my publisher put a smiling picture of him on the cover.

You term him “the last Federalist.” Why?

Marshall was a deep-dyed Federalist. He called George Washington “the greatest Man on earth,” he owed his chief justiceship to John Adams, and he described Alexander Hamilton

as a “genius.” Although the party collapsed after the War of 1812, Marshall as chief justice had lifetime tenure. So many of his landmark decisions—protecting contracts and corporations, enforcing federal supremacy over state courts, fostering commerce—reflected Federalist policies. And he kept it up into the Age of Jackson.

What was his most formative experience?

He had two, one from each of his fathers. His actual father, Thomas Marshall—frontiersman, surveyor, and real estate speculator—raised him to be a lawyer, homeschooling him with Blackstone’s *Commentaries on the Laws of England*. His symbolic father, George Washington, commanded him during the Revolution at Brandywine, Germantown, and Valley Forge. His profession was the law; his goal in life was to be as dutiful and as patriotic as Washington.

How did the Revolution resonate in his life?

Fighting in common cause beside comrades from many states made him a nationalist.

Suffering alongside them showed him the consequences of ineffectual government: meager supplies, pay ever in arrears. The war showed him the need of a new Constitution and inspired him to be its lifelong defender.

Explain the Quoits Club. Quoits was a game, like horseshoes, played with iron rings. The Club was a group of Richmond gentlemen who met weekly May to October to play, eat, drink, and give comic speeches. Membership was capped at 30, but open to all political persuasions. The club fostered trans-partisan friendships: good training for a justice whose high court colleagues increasingly came from the other political party, the Republicans. Thanks to his Quoits Club experience, and his own splendid temper, Marshall befriended them—the first step to converting them to his views.

Marshall owned slaves. What does the record say about him? Paul Finkelman has shown that Marshall owned 130 to 150 slaves, rather than the dozen or so older biographies assigned him. Marshall extended himself for Indians, going to the mat with Andrew Jackson over his policy of ejecting them beyond the Mississippi. But he lived with slavery and took no serious steps to curtail it. He fell short of his Federalist idols—Washington, who freed all his slaves in his will, and Hamilton, who helped found the New-York Manumission Society.

Explain the “Marshall Court.” We are talking about two things: decisions, and attitude. The Marshall Court’s decisions created a national economic market (*Gibbons v. Ogden*) in which individuals and corporations (*Dartmouth v. Woodward*) could contract to do business (*Fletcher v. Peck*), free from state-level interference. The Marshall Court behaved as a peer of the other branches of government, rebuking states (*McCulloch v. Maryland*, *Cohens v. Virginia*) and Congress (*Marbury v. Madison*) and scolding presidents (*Marbury* again). Both facets of the Marshall Court are with us today.

Characterize Marshall as High Court member and manager. First, he was fun to be with. Only two people ever hated him: his cousin Thomas Jefferson, and former William and Mary classmate and Virginia judge Spencer Roane. Second, he was politic. He deferred to fellow judges in areas of law in which he was

not expert—and got deference in return. Third, he was shrewd. He picked his battles (“I am not fond,” he told Story, “of butting my head against a wall in sport”). Fourth, he was smart. When he bore down, he was overpowering. His mind, said Attorney General William Wirt, was like the Atlantic Ocean, while everybody else’s were mere ponds. Fifth, he endured: 34 years as chief justice, still a record.

For much of Marshall’s SCOTUS tenure, justices roomed together. What impact did this have? We know from a sometimes-restive justice, William Johnson, that there was explicit pressure to conform. Early in his Court days Johnson was warned by his brethren—he never said who—that his dissents would lower their collective prestige. But eating and drinking together is a potent form of bonding. Marshall’s SCOTUS was like the Quoits Club, DC chapter.

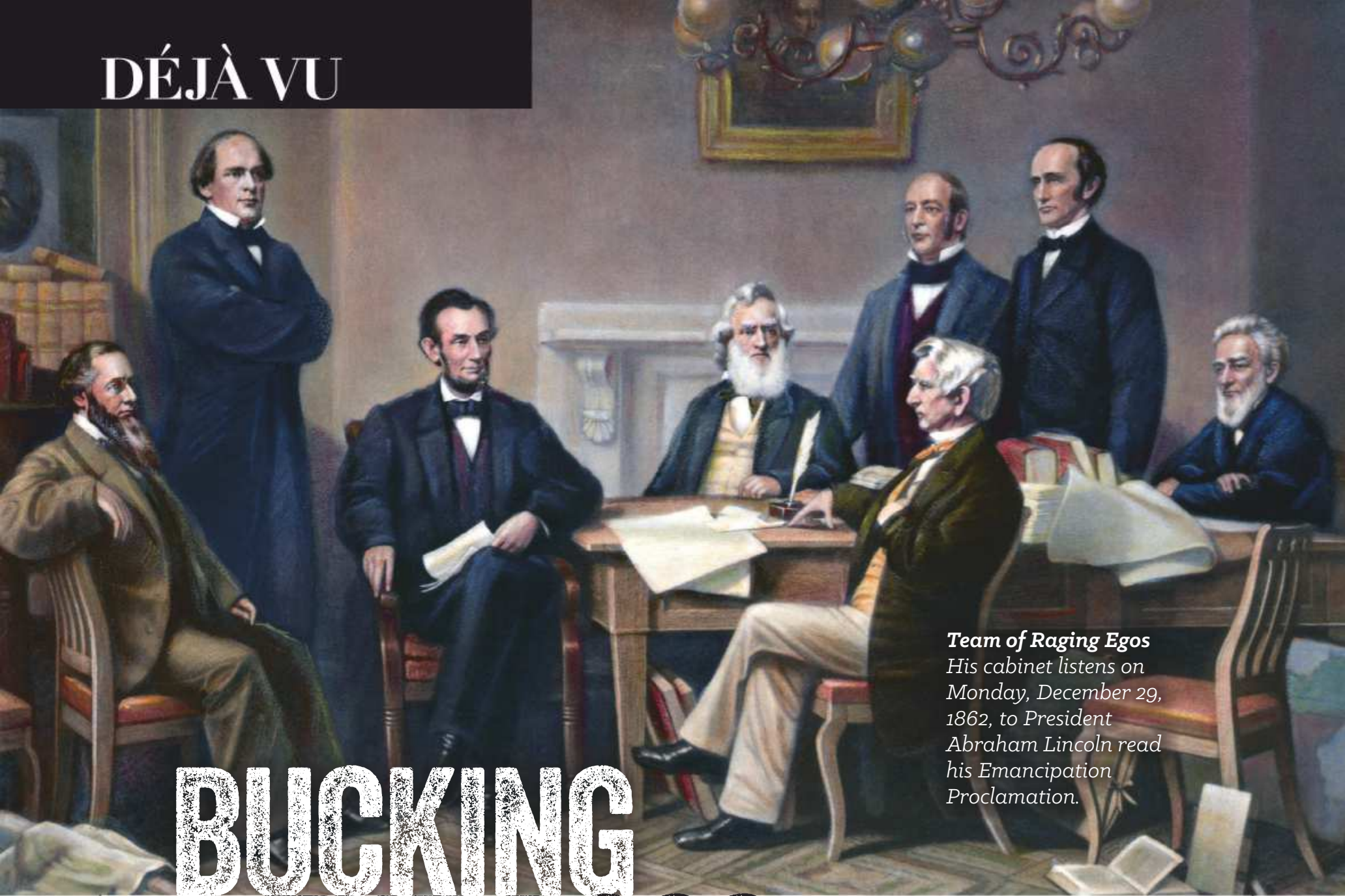
What are the hallmarks of a “Marshall decision”? It often begins with an ironic tic: Marshall will say the question before the Court was one of great “delicacy.” When he says that, expect a roundhouse. And it comes: well-organized, measured in tone, implacable. He had a knack, which I think he picked up from Alexander Pope, for making his judgments seem obvious. You would as soon argue with Mount Sinai.

How does Marshall’s presence still echo in the court’s workings? Besides the economic and structural legacies I mentioned earlier, he can appear without warning. When pundits and Tweeters throw around the word *treason*, I think how carefully Marshall weighed it in the treason trial of Aaron Burr. Stick around, and Marshall is liable to pop up.

What about his private life? I’m more interested in John’s public career, but there is something both sweet and painful about the Marshall marriage. His wife Mary, known as Polly, was a bold young girl who wanted him and got him, but she soon became a depressed recluse. His zest for politics and socializing probably encouraged her depression. Yet he loved her, admired her taste—I think she introduced him to Jane Austen—and wept often after she died. The three dates he picked for his epitaph were his birth, his wedding, and his death. He wrote that epitaph, by the way, on the Fourth of July. Patriot to the end. ★



**MARSHALL'S
QUOITS CLUB
MEMBERSHIP
FOSTERED
FRIENDSHIPS
ACROSS
PARTY LINES,
GOOD TRAIN-
ING FOR A
JUSTICE.**



Team of Raging Egos
His cabinet listens on Monday, December 29, 1862, to President Abraham Lincoln read his Emancipation Proclamation.

BUCKING THE BOSS

BY RICHARD BROOKHISER

As the summer silly season was ending, *The New York Times* published an op-ed portentously signed Anonymous.

President Donald Trump was “facing a test to his presidency unlike any faced by a modern American leader,” Mr./Ms. Anonymous declared. “Many of the senior officials in his own administration are working diligently from within to frustrate parts of his agenda and his worst inclinations. [Dramatic paragraph break.] I would know. I am one of them.”

For a week the article was the talk of the thumb-sucking class. In shielding the author’s identity, had the *Times* embraced best journalistic practices? (The paper acknowledged that doing so was a “rare step.”) Should a worried insider making incendiary charges not instead quit, and put his or her reputation behind those charges? (Advocacy dies in darkness.) Most tantalizing, who was Anonymous? Long odds were on Vice President Mike Pence, since Anonymous deployed the term *lode-star*—a guiding light, usually Polaris, the North Star—which Pence uncorks from time to time. However, most pundits looked for someone on the inner circle’s outer rim: a third-level person in a cabinet department, or a National Security Council aide.

Anonymous clearly got one thing wrong. Other American presidents have faced senior insiders working diligently to frustrate their bosses’

agendas and inclinations. Sometimes that resistance has resided at the hub of the inner circle—cabinet secretaries.

James Madison, Thomas Jefferson’s partner and protégé, was elected president in 1808, fourth to win the office, with a smashing two-thirds of the electoral vote. Everybody in the first Republican party having pulled together to put Madison over the top, everybody wanted a reward. Senator Samuel Smith of Maryland, a Capitol Hill powerhouse, wanted his younger brother Robert promoted from secretary of the Navy, his job in the Jefferson administration, to secretary of state. Madison wanted State to go to Albert Gallatin, the most talented man in the party after himself and Jefferson. In the end, the president bowed to political reality and tapped the junior Smith.

Smith assumed a key position at a fraught time. The world’s two fighting superpowers,

HOW LONG DID IT TAKE CHARLES LINDBERGH TO COMPLETE HIS HISTORIC 1927 TRANS- ATLANTIC FLIGHT?

33.5 hours, 41 hours,
29 hours, or 36.25 hours?

For more, visit

[WWW.HISTORYNET.COM/
MAGAZINES/QUIZ](http://WWW.HISTORYNET.COM/MAGAZINES/QUIZ)

HISTORYNET

HistoryNet.com

ANSWER: ON THE MORNING OF FRIDAY, MAY 20, 1927, "LUCKY LINDY" TOOK OFF FROM ROOSEVELT FIELD ON LONG ISLAND, BEGINNING A TREK ACROSS THE ATLANTIC OCEAN TOWARD PARIS, FRANCE. HE ARRIVED IN PARIS 33.5 HOURS LATER, TO A CHEERING CROWD OF MORE THAN 150,000.



Britain and Napoleonic France, each were seizing neutral American ships bound for the foe's ports—and on the high seas, Britain was stopping American ships to seize alleged deserters. In addressing these issues, Smith had to deal with a mixed lot of British diplomats. One minister to the United States, David Erskine, was friendly but ineffectual, dangling promises of improved relations he could not deliver. Erskine's replacement late in the summer of 1809, Francis James Jackson, was an anti-American snob. He derided the U.S. government as "a mob" with "mob leaders"; his wife slagged first lady Dolley Madison as "a pretty fat woman of the bourgeois class."

Smith had the president's help—maybe too much of it. Madison, for eight years Thomas Jefferson's secretary of state, had definite ideas about how to handle the world scene. Smith had ideas too, which unfortunately differed from his boss's. Local ties and imprudence were part of the mix. Smith passed inside diplomatic info to Madison's congressional critics, who mainly hailed from port cities, like the Smiths' own Baltimore, resentful of his administration's inability to protect their shipping. Among Madison's efforts to help merchants he grabbed at a French offer to call off its navy. Smith doubted France's good will—and rightly; the ploy was insincere—but was cheeky enough to badmouth the French overture to the No. 2 diplomat in the British embassy, who reported to London that the Yanks were riven by infighting. In March 1811, Madison finally had a sit-down with his SecState. He told Smith he had been not only disloyal but incompetent. Smith wrote diplomatic letters "so crude and inadequate" that Madison had to "write them anew myself;" repeatedly, State Department business had been "thrown...into my hands."

As a sop, the moon not being available, Madison offered to make Smith minister to Russia. How about Britain, Smith dickered, or the Supreme Court? Madison stood firm. Refusing the proffered Russian holiday, Smith quit and published an attack on his ex-boss. Glad to see Smith go, Madison installed fellow Virginian James Monroe at State.

Madison and Smith had been scrapping on the eve of the War of 1812. Abraham Lincoln was fighting the Civil War when his cabinet began pestering him. Unlike Madison, Lincoln was the first president from a brand-new party—Republicans 2.0, a mash-up of antislavery Whigs, Democrats, and Know-Nothings. To unite this disparate band behind him, Lincoln filled his cabinet with men who had challenged him for the 1860 Republican nomination: William Seward at State; Salmon P. Chase at Treasury; Simon Cameron at War; and Edward Bates as attorney general.

Seward and Bates were loyal and devoted. Cameron was loyal, but incompetent and crooked—less than a year later Lincoln canned him, offering to send him to Russia; unlike Smith, Cameron went. Lincoln's most problematic secretary was Chase, an Ohioan who was smart, capable, and out for himself. Chase, like Smith, disagreed with his president about policy. In the 1840s Chase had belonged to the radical Liberty and Free-Soil parties—an antislavery résumé that made him a natural to ally

with Radical Republicans unhappy at Lincoln's cautious approach to emancipation. However, Chase's main beef with Lincoln was that he wanted Lincoln's job. Seward, Bates, and Cameron, all in their 60s, had let their White House dreams go. Chase, 53 when Lincoln took office, still yearned. He also had a campaign manager at home: beautiful daughter Kate. "Wherever she appeared," an observer wrote, "people dropped back in order to watch her." Chase needed a charm boost; he was proud, shy, and terrible at telling jokes.

Chase first moved against Seward. After the December 1862 Union Army debacle at Fredericksburg, Chase and his Radical allies accused Seward of running the administration—and running it aground. Seward offered to resign. Lincoln had a better idea. He invited the unhappy Radicals to meet with him and his cabinet, minus Seward. Each secretary testified that all had the president's ear, and that

Seward was not calling the tune. When Chase's turn came, he agreed rather than buck the room. His timidity disgusted the Radicals. Why had he said one thing privately, and another when on the spot? Vermont Senator Jacob Colamer had a two-word explanation: "He lied."

In 1864, with the war stalled and Radical Republicans still grumbling, Chase struck at Lincoln. In his 10,000 Treasury employees and 2,500 war bond salesmen, Chase had a ready-made political machine. That February Senator Charles Pomeroy (R-Kansas) wrote a letter, approved by Chase, that was sent to hundreds of Republicans touting Chase as "a statesman of rare ability." The Pomeroy Circular, naively marked "Private," immediately made the papers. Its only effect was to cause a surge of support for the president, even in Ohio. Chagrined, the malcontent offered more than once to quit. Lincoln kept him on until midsummer, when Chase proposed to resign once too often—and Lincoln accepted. He ensured Chase's support through the election by dangling an offer to make him chief justice, replacing the late Roger Taney, a prize the president did not confer formally until December.

Cabinet secretaries are often big men in their own right, and the presidency is the biggest prize in politics. The real mystery is why more principled, ambitious men don't make resistance their lodestar. ★



A Team of One
Salmon P. Chase was his own best advocate, landing on the U.S. Supreme Court.



Veteran Owned. Veteran Operated. Combat Veteran Made.

At Flags of Valor, we craft beautiful works of American art. From our inception, we've been driven by three distinct ideas. First, that our combat veterans deserve opportunity. Second, the belief that Made in America still matters. Third is our corporate commitment to giving back to those who serve and protect our community and nation. Our team is exceptional and constantly growing. The majority of our craftsman are service disabled, with significant combat related injuries. We've created an environment where teamwork is foundational and camaraderie is supreme.

FLAGSOFVALOR.COM





WHITE LIAR

BY PETER CARLSON



Bard of Bigotry
Edward Pollard helped bring on the Jim Crow era by writing *The Lost Cause*, spinning the myth of the South as victim, embodied by the destruction of Richmond, above.

Edward Pollard was a newspaperman, a lawyer, a congressional clerk, a prisoner of war, and a bigamist. However, the Virginia native won fame as a defender of slavery, as a propagandist for white supremacy, and as creator of the “Lost Cause” mythology that soothed Southern psyches after the Civil War and suffused Southern politics for a century.

Born in 1832, Pollard grew up watching slaves toil on his family’s two plantations. Upon graduating from the University of Virginia in 1850, he studied law at William and Mary until that college expelled him for misbehavior. He went west to get in on the gold rush. When that didn’t pan out, he took up reporting, writing dispatches from California, the Caribbean, and Asia. Returning to America, he became a lawyer and landed a sinecure as clerk of the U.S. House of Representatives Judiciary Committee. In 1859, he wrote a pugnacious defense of slavery, *Black Diamonds Gathered in the Darkey Homes of the South*. “The American institution of slavery does not depress the African,” Pollard wrote. “It elevates him from the condition of a nomad, a heathen,

a brute to that of a civilized and comfortable creature and gives to him the precious treasure of a saving religion.”

Pollard wrote that he loved his family’s “happy, contented” slaves and that he had shed copious tears over his black Mammy’s grave. “I love the simple and unadulterated slave, with his geniality, his mirth, his swagger and his nonsense,” he wrote.

But there were limits to this proprietary affection: “When I see a slave above his condition, or hear him talk insultingly of even the lowest white man in the land, I am strongly tempted to knock him down.”

Black Diamonds won Pollard a taste of literary fame. He soon married. His wife died in July 1860. Four months later, Abraham Lincoln was elected president and Pollard wrote *The Southern Spy*, a broadside of a book in the form of nasty letters to Lincoln. “The South does not fear you,” Pollard proclaimed. “The Union is lost forever.”

When war began, Pollard moved to Richmond, married an Englishwoman, and became an editor at the *Richmond Examiner*.

A fast, facile writer, Pollard chronicled the war in books he churned out year by year during it. In 1864, angling for overseas sales, he boarded a blockade runner bound for England. A U.S. Navy vessel seized the Confederate ship. Arrested, Pollard spent weeks jailed in Boston before being paroled to live with relatives in Brooklyn.

Early in 1865, he returned to Richmond. He watched the Union army capture the city and harangued street-corner crowds, urging fellow secessionists to fight the Yankees. Not surprisingly, the Yankees threw him in jail. After his release, he deserted his wife and fled to Memphis. He took up with another woman, deserted her, and, without dissolving his marriage, wed a divorcee. Amid these erotic adventures, he managed to write the book that made him notorious—*The Lost Cause*.

Published in 1866, *Cause* devotes most of its 750 pages to Civil War battles. Though unabashedly pro-Confederate, its military history is reasonably accurate. Otherwise, the book is an atrocious cornucopia of the crackpot ideas modern historians call “the Lost Cause mythology.”

Neither slavery nor secession caused the Civil War, Pollard wrote. Instead, he blamed the inevitable clash of “opposite civilizations”—the “coarse and materialistic” society of the North steamrolling the “noble” South, a “feudal” culture “of scholarship and manners.” Slavery was wonderful, inculcating “chivalry” in whites and protecting “the Negro in life and limb and in many personal rights.” Blacks were “lazy and unreliable” but when enslaved exhibited “cheerfulness and contentment” and eagerly supported the Confederate cause.

The South’s “better men” would have triumphed, Pollard claimed, except that the Union army, filled with “rowdies and roughs of the Northern cities,” overwhelmed the outnumbered Confederates. Winning its “war of subjugation,” the North tormented the former Confederacy with Reconstruction policies designed to “Africanize the South” and create “mongrelism.”

Pollard’s book proved enormously popular. Readers bought more than 50,000 copies of the first edition; subsequent printings sold well in America, England, and France. Pollard’s preposterous portrait of genteel aristocrats, mindlessly happy slaves, and evil carpetbaggers was a balm for Southerners depressed by defeat. Northerners fell for his palaver, too. His stereotypes became Americana, recycled for decades in textbooks, novels, and Hollywood hits like *The Birth of a Nation* and *Gone with the Wind*.

And Pollard wasn’t done. In 1868, while battling his third wife in a nasty divorce, he wrote *The Lost Cause Regained*. This sequel—a campaign document for Horatio Seymour, that year’s Democratic candidate for president—was as influential and nefarious as the original. *Regained* proclaimed “the inferiority of the Negro” and predicted that “Negro suffrage” would imprison “white people in the valley of humiliation and death.” But Pollard saw hope. “The true cause fought for in the late war has not been lost,” he wrote. That “true cause” wasn’t slavery; it was “the supremacy of the white race.”

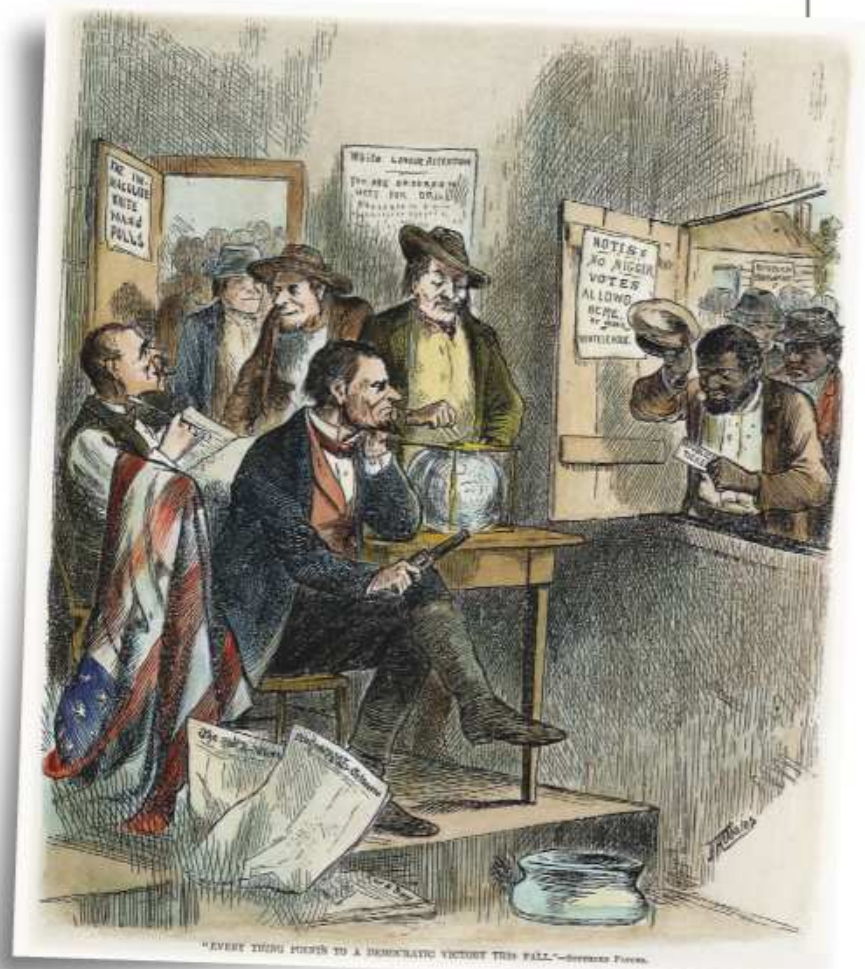
If Northern and Southern whites united behind the Democratic Party, Pollard wrote, they could end Reconstruction and restore “the grand and august theory of co-equal sovereign states.” To Pollard and the Democrats, “states’ rights” included Southern states’ “right” to pass laws disenfranchising black people. The happy result, Pollard wrote, would be “the South still retaining the Negro as a

laborer, and keeping him in a condition where his political influence is as indifferent as when he was a slave.” Pollard’s suggestion to his fellow Democrats: “White is the winning word, and let us never be done repeating it. The very word moves the instincts of the voting population of the North.”

That didn’t work in 1868: Seymour lost to Ulysses S. Grant. And Pollard never did see a Democrat in the White House. He died in Virginia in 1872.

However, Pollard’s *Lost Cause Regained* strategy outlived him by nearly a century. Democrats in the South advertised themselves as “the white man’s party.” They fought Reconstruction, compelled Republicans to withdraw federal troops from the region, and, under the banner of “states’ rights,” legislated segregation, denied black Americans the vote, and shored up white supremacy.

Pollard’s scheme worked as planned until the 1960s, when Democrat Lyndon Johnson signed the Civil Rights Act and the Voting Rights Act. Since then—in an irony that might have amused the man who conjured up the “Lost Cause”—white Southerners have voted overwhelmingly Republican. ★



Suffrage Denied

1874 illustration shows White Leaguers barring black voters from polls.

Plea for Justice

Clarence Gideon, below, wrote a petition by hand at Florida's Raiford Prison that poised the U.S. Supreme Court to void a bad precedent.



TRUMPETING CHANGE

BY DANIEL B. MOSKOWITZ

**GIDEON V.
WAINWRIGHT
372 U.S. 355,
1963
RIGHT TO
COUNSEL**



Historically, the justices of the U.S. Supreme Court have tried diligently to do a good job—but they are human, and they make mistakes. One of their biggest, in 1942, was *Betts v. Brady*. Scholars rank the decision 21 years later to overturn that ruling in *Gideon v. Wainwright* among the Court's dozen or so most important. *Gideon* concerns a simple, determined man with a checkered past and a compelling claim that American justice had done him an injustice. The issue: if a defendant cannot afford a lawyer, does the government have an obligation to provide that representation?

The topic is as old as the nation. The Sixth Amendment promises that in criminal prosecutions the accused shall have “the Assistance of Counsel”—but says nothing about who pays for that counsel. Congress quickly realized that at times society should. Even before states had ratified the Sixth Amendment, Congress in the Judiciary Act of 1790 provided that in capital cases judges should assign counsel to all defendants who ask for help. Over time judges came to arrange representation for indigent

defendants in serious cases not subject to the death penalty. Local jurisdictions innovated in this arena; in 1913 Los Angeles, California, created a staff of city lawyers whose full-time job was representing indigent defendants. Finally, in 1938, the Supreme Court ruled that the Sixth Amendment requires in every federal criminal case that the government provide a lawyer for a defendant requesting one.

That was in *federal* courts, however. Most criminal trials take place in *state* courts. Constitutional Bill of Rights guarantees do not automatically apply to the states. Until the Fourteenth Amendment was ratified in 1868, states were free to set their own juridical rules. The resulting standard—that states must assure “due process of law”—had little meaning until the courts fleshed it out.

Justices hesitated to impose federal rules on state court trials. Only in 1932 did they address the issue of providing defendants with free attorneys, in a notorious prosecution in Scottsboro, Alabama, of nine black teens falsely accused of raping two white women.

Voting 7-2, the court held that in some cases—at least when a defendant's life is at stake—the 14th Amendment requires states to supply not merely legal counsel, but *effective* legal counsel.

Ten years later, in *Betts*, the justices expanded on the Scottsboro holding. They refused to apply to state courts the federal court standard that every criminal defendant who wants an attorney must be given one. However, the 1942 ruling in *Betts* did acknowledge that in some cases an indigent defendant's access to an attorney was so central to due process as to invalidate the conviction of such a defendant if that representation had not been provided. The tricky part was the "in some cases" proviso. A state court had to appoint a lawyer for an indigent defendant only when "fundamental fairness" demanded the state do so, the Court said. Justice Hugo Black issued a vehement dissent, arguing that states had to provide defendants lawyers in every felony case.

Almost impossible to apply in real life, the *Betts* standard predictably created not only confusion but a surge of litigation over whether a particular case's nuances required a lawyer.

Subsequent to 1942, the justices had to consider repeatedly whether a state wrongly withheld legal aid. The court usually found something in a case to trigger assigning a lawyer—improper prosecutorial conduct left unchallenged, or a youthful or unsophisticated or non-English-speaking defendant. The *Betts* rule simply was not working. When in 1963 the justices conferred privately on *Gideon*, Justice John Harlan said bluntly of *Betts*, "It is a freak, and we should get done with it."

The justices had been seeking a chance to do just that—with a case making a clean-break with embarrassing precedent by lacking conditions that by the *Betts* standard would require a court-appointed lawyer. A path opened when a petition, penciled by hand on lined paper, arrived from Clarence Gideon. Prosecuted for robbery in Florida, Gideon requested a lawyer. The state said no. Finding him guilty, a court sentenced Gideon to incarceration at Raiford Prison in Bradford County. From there he had written to the justices, asking that they look at his plight.

Gideon, 51, had a history of petty crimes. The latest: allegedly breaking into Panama City, Florida's Bay Harbor Pool Room and stealing change and bottles of beer and soda. A Panama City man testified that he saw Gideon leaving the pool hall at 5:30 a.m. Gideon's lack of savvy on courtroom protocol sabotaged his efforts to defend himself. He was convicted and sentenced to five years at Raiford. The Florida Supreme Court upheld the conviction, finding that under state law the judge had no duty to see that Gideon had an attorney.

The justices signaled clearly that this was a case in which they wanted to change national legal procedure: to represent Gideon before them, they appointed Abe Fortas, arguably the country's most persuasive lawyer and soon to become a justice himself.

The court should have appointed a lawyer for Gideon, the justices all

agreed. "Due process" demands such representation not only in special circumstances, but in every case, Justice Black explained in the Court's opinion. "The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours," he wrote. The decision personally vindicated Black, who 21 years before had assailed the logic of *Betts*. When the justices overturn a precedent, they typically do so with the excuse that time has brought new insight, obsolescing the prior decision. Not here. Black's opinion declares, "We think the Court in *Betts* was wrong." He told a friend, "When *Betts v. Brady* was decided, I never thought I'd live to see it overturned."

Events showed how correct the justices had been to rule as they did. Retried, Gideon was acquitted. His competent lawyer, hired by Florida, managed not only to impugn the sole prosecution witness's reliability but hinted persuasively the man had been acting as a lookout for the actual robbers.

Clarence Gideon's exoneration is not the reason *Gideon v. Wainwright* is one of the most important cases in Supreme Court history. Most states already required lawyers be provided for indigent defendants. In those states *Gideon* mandated no change. However, it did assure that state policy would not revert. And *Gideon* did reframe judicial procedure in the few states theretofore unwilling to provide lawyers to indigents. Florida alone released more than 1,000 prisoners because at trial courts in that state

had unjustly denied those defendants' requests for lawyers.

Gideon's true legacy was to force America to scrutinize its system for providing the poor with legal aid and to institutionalize and rationalize that system. Rather than rustle up a lawyer each time an indigent defendant needed one, states and cities emulated the Los Angeles model, setting up public defender offices staffed with government-employed lawyers assigned to represent indigent defendants. The idea spread after *Gideon*; every state but Maine has such a program. ★



Vindicated
Justice Hugo Black assailed the *Betts v. Brady* decision from the beginning.



TOO SLICK FOR HIS OWN GOOD

BY SARAH RICHARDSON

John Wilkes Booth at 24 had the charisma of a young Johnny Depp. Graceful, daring, and handsome, with flashing dark eyes, he was the youngest son of a prominent theatrical family. Father Junius Brutus Booth had emigrated from England to make his name as a Shakespearean, and succeeded. Older brothers Edwin and Junius Jr. already were established thespians in 1845 when John, 17, first trod the boards. Physical vitality alone made the youngest Booth memorable, and by 1858 he was a star and a celebrity. However, in January 1864, John Wilkes Booth quit theater to seek his fortune in Franklin, Pennsylvania. In that boom town, he strutted his hour as an oil well speculator before coming to a different notoriety for assassinating President Abraham Lincoln. Long after Booth's death by gunshot after being cornered in a burning barn in Port Royal, Virginia, rumors swirled that Lincoln's killer had made a fortune as a wildcatter. The truth is far different.

Raised in rural Bel Air, Maryland, John Wilkes Booth so ardently embraced the white supremacist cause that he attended the 1859 hanging of abolitionist insurrectionary John Brown at Charles Town, Virginia.

In 1863, Booth was performing in theaters up and down the Eastern Seaboard when a mysterious hoarseness threatened his livelihood.

Whether caused by poor vocal technique or bronchitis, the condition caused Booth to book fewer appearances. After starring as Richard III in St. Louis in January 1864, he shucked theater hoping to strike it rich in oil.

In seeking another career, Booth also was joining a wave of Americans looking to prosper on the new frontier of energy. To light their lamps, American households needed liquid fuel. To lubricate machinery, American factories needed oil. Oil came mainly from sperm whales, killed and rendered at sea. Whaling had so depleted that species that sperm oil had become costly. An alternative was a flammable glop oozing to the surface around western Pennsylvania in patches called oil seeps. Native Americans had long burned the stuff, sopping it up in blankets wrung into containers. Speculators were eyeing coal gas,

Exit Stage Right
Soldiers drag Booth from a burning barn 12 days after he assassinated Abraham Lincoln.

camphine, a byproduct of turpentine distillation, and other fuels. However, “rock oil” not only burned well—emitting “a dainty light; the brightest and yet the cheapest in the world,” a booster said—but also was a swell lubricant.

Oil, which often seeped near salt deposits, went unexploited for lack of a practicable way to extract it until 1859, when the tenacious Edwin Drake, 59, drilled the first commercial oil well. Investors had brought the former railroad worker in on a well at Titusville, Pennsylvania. His first hole, drilled with a bare shaft, caved in, trapping the mechanism. Drake encased the shaft in a protective metal sheath. His design succeeded, proving deep drilling could work. Within a year of Drake’s strike, 500 drilling rigs were lining the 16 miles of Oil Creek between Titusville and Oil City.

“The whole population are crazy almost,” investor George Bissell wrote. “I never saw such excitement. The whole western country are thronging here and fabulous prices are offered for lands in the vicinity where there was a prospect of getting oil.”

Booth joined the oil rush, convincing two theatrical pals from Cleveland to come in as well. Their Dramatic Oil Company leased 3.5 acres outside Franklin. The wildcatters called their would-be gusher “Wilhelmina” after one partner’s wife. After a brief sojourn onstage, Booth returned to Franklin in May 1864 with banker Joseph Simonds, an acquaintance from Boston. Workers, speculators, and teamsters hired to haul oil so crowded Franklin that the two had to room with others.

Booth swanned around town, Confederate zealotry on full display; in a barbershop he upbraided a black man for wearing a hat. The man retorted that he bared his head for ladies, so outraging Booth that a companion said he was sure that if the actor had had a weapon he would have killed the fellow.

The Wilhelmina scarcely delivered, though Booth spent another couple of thousand dollars trying to improve extraction. The preferred method, a precursor to fracking, involved detonating explosives in a laggard well in hopes of dislodging oil. At Wilhelmina the tactic failed and ruined the well. In September, Booth gave his stakes to family and to Simonds. Booth headed to Baltimore, then to Montreal, where he mingled with fellow Confederate sympathizers before relocating to a frequent stop, Washington, DC.

In February 1865 the actor sent Simonds a note the banker found disturbing. “I hardly know what to make of you this winter—so different from your usual self,” Simonds replied. “Have you lost all your ambition or what is the matter. Don’t get offended with me John but I cannot but think you are wasting your time spending the entire season in Washington doing nothing where it must be expensive to live and all for no other purpose beyond pleasure. If you had taken 5 or 10,000 dollars and come out here and spent the season living here with us, traveling off

over the country hunting up property I believe we both could have made considerable money by it. It is not too late yet for I believe the great rush for property is to be this Spring ...”

Simonds was right. Lack of efficient transport was bottlenecking the oil flow. In less than a year the industry began building pipelines, dramatically widening markets but also stirring unrest as sidelined teamsters fought the new technology. Thanks to pipelines many entrepreneurs in what came to be called Petrolia did very well. One was Franklin Tarbell, closely connected to the Drake Well, who sold tanks and storage. His daughter, Ida, became a muckraking journalist. She wrote *The History of the Standard Oil Company*, a 1904 book cited in the Supreme Court’s 1911 antitrust ruling that ended Standard’s monopoly.

However, Booth quit wildcatting. In the capital he and co-conspirators hatched the plan that ended Abraham Lincoln’s life on April 14, 1865. Two weeks later, pursuers confirmed Booth’s demise by noting the JWB tattoo on his dead wrist. Soldiers buried him in Washington at what is now Fort Lesley J. McNair.

Unfavorable Notices
Wanted posters offer rewards for turning in Booth, who before organizing Abraham Lincoln’s murder tried wildcatting.

In 1869, his family re-interred the remains, unmarked, in a family plot in Baltimore’s Green Mount Cemetery. For decades, newspapers claimed Booth made a bundle in oil. In truth, Booth the wildcatter lost \$6,000—today, nearly \$98,000—that Booth the actor, perhaps about to lose his voice and therefore his career, badly needed. In an irony, John Booth gave sister Rosalie a \$1,000 stake in the Homestead Well, 17 miles from Franklin. In February 1865, the Homestead came in and for a brief while was outproducing anything in the vicinity, yielding some 28,000 barrels.

The Booths never pursued revenue from the shortlived gusher. “The stock must have been in Rosalie’s hands following the assassination, but it was never sold or transferred,” Ernest Miller wrote in a 1912 study of Booth’s turn as a wildcatter. “Following the disaster, the Booth family washed their hands of everything and anything John Wilkes had touched.” ★



Ground Control to Colonel Dave

During the March 1969 Apollo 9 mission, pilot Dave Scott emerges from the command module to test spacesuit systems to be used on lunar operations. Astronaut Rusty Schweickart was at the lunar module hatch when he framed the photo.





AMERICAN
History

STYLE

The NASA Archives chronicles 60 years of innovation as the National Park Service celebrates majestic places in eye-candy graphics.

STYLE

SPACE BOUND

The NASA Archives, an oversize volume, documents an oversize achievement unfurled across a six-decade span: America's space program, a remarkable exercise in national ambition, collective technological genius, and individual valor. In image upon gripping image, *Archive* shows what the National Aeronautics and Space Administration accomplished after a cold, scared start 60 years ago. From baby satellites to the Apollo moon project to the space shuttle, robot rovers, space telescopes, and other advances, NASA has shaped our vision of the universe and Earth's place in it. Journalist Piers Bizony, former NASA chief historian Roger Launius, and best-selling Apollo historian Andrew Chaikin explicate 400-plus photos and renderings, examining NASA from its earliest days to its contemporary role in developing tomorrow's space systems.

The NASA Archives, hardcover, 13 x 13 in., 468 pages, \$150, taschen.com



The Sound of Silence
A 1972 space shuttle model in NASA's Anechoic Chambers, whose walls absorb almost all stray sounds, actual or transmitted, ranking them among earth's quietest places.



Those Boots Were Made for Hopping
NASA scientists believe boot prints from Apollo 11's moon landing to be as crisp today as when Buzz Aldrin made them in 1969, thanks to the moon's lack of air and moisture.

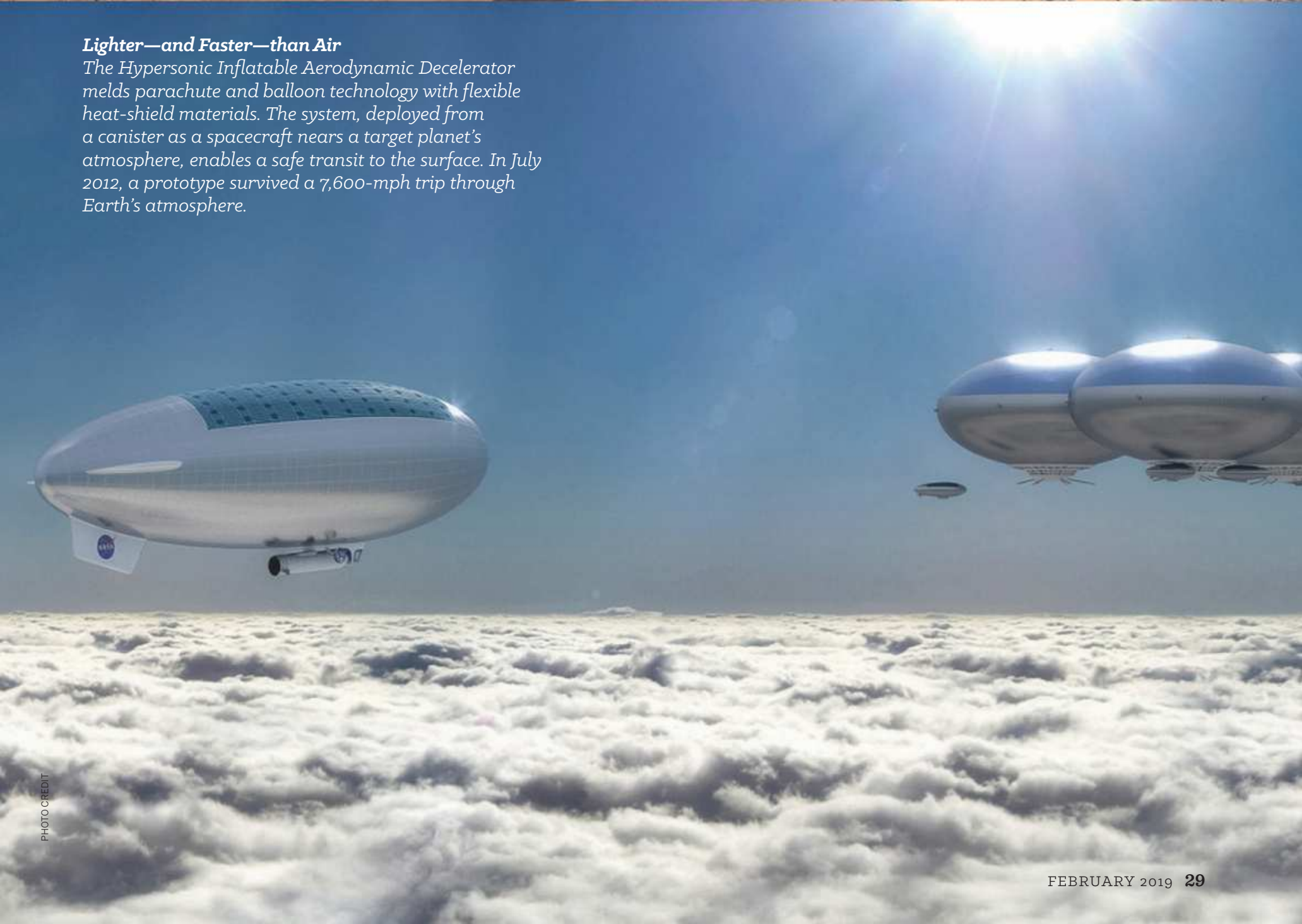
Picture Perfect

Rover Curiosity made this Martian selfie on August 5, 2015. Maintaining a fixed vanishing point to minimize distortion, a robotic camera acquired frames Jet Propulsion Laboratory analysts stitched together.



Lighter—and Faster—than Air

The Hypersonic Inflatable Aerodynamic Decelerator melds parachute and balloon technology with flexible heat-shield materials. The system, deployed from a canister as a spacecraft nears a target planet's atmosphere, enables a safe transit to the surface. In July 2012, a prototype survived a 7,600-mph trip through Earth's atmosphere.



STYLE

DAYS IN THE PARK

To raise the profile of America's national parks, the U.S. Park Service hired Nashville, Tennessee-based Anderson Design Group to create a suite of images highlighting each park's unique attributes to appear on posters, playing cards, books, journals, and postcards. "We start out by sketching up ideas," agency founder Joel Anderson says. "Then we draw, paint, and hand-letter our poster concepts before we move to the computer. We strive to create prints that look like they were produced in the early part of the 20th century. Once we've finished a design, we produce prints on gallery-grade paper, working closely with local printers who are dedicated to creating the highest quality and most affordable art possible."

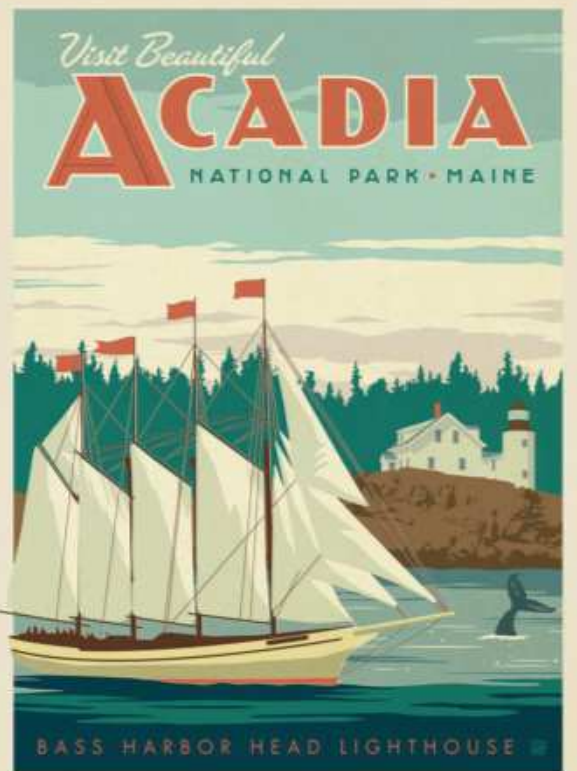
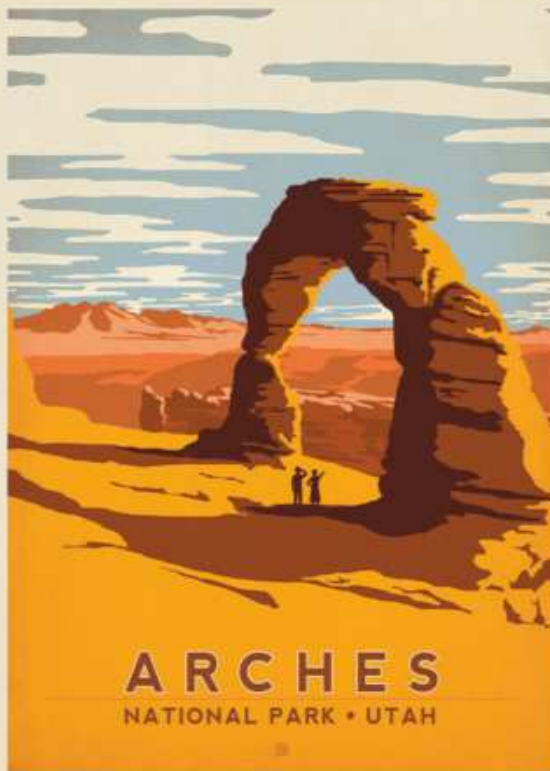
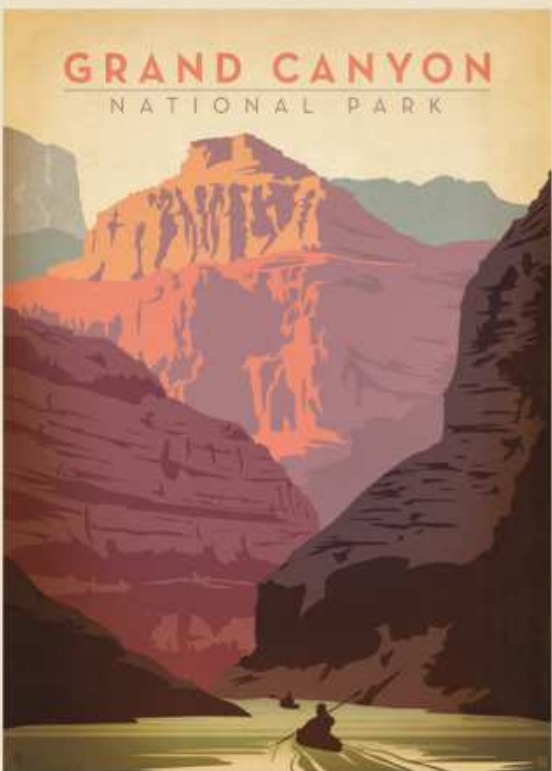
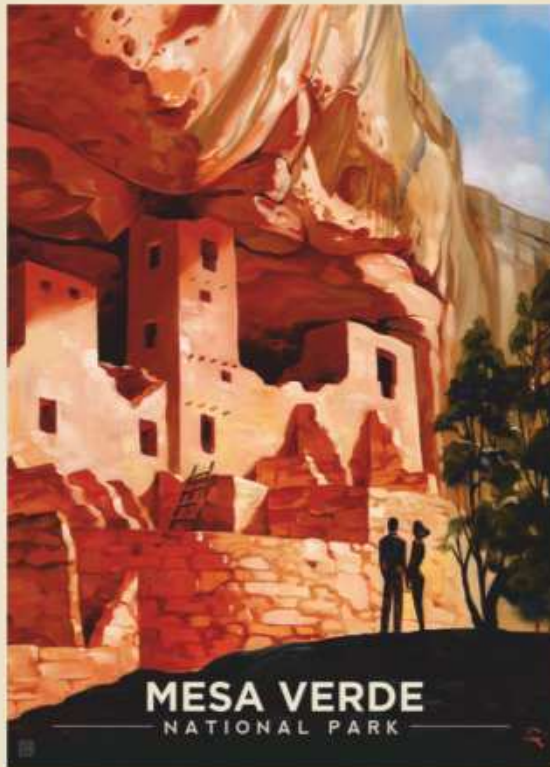
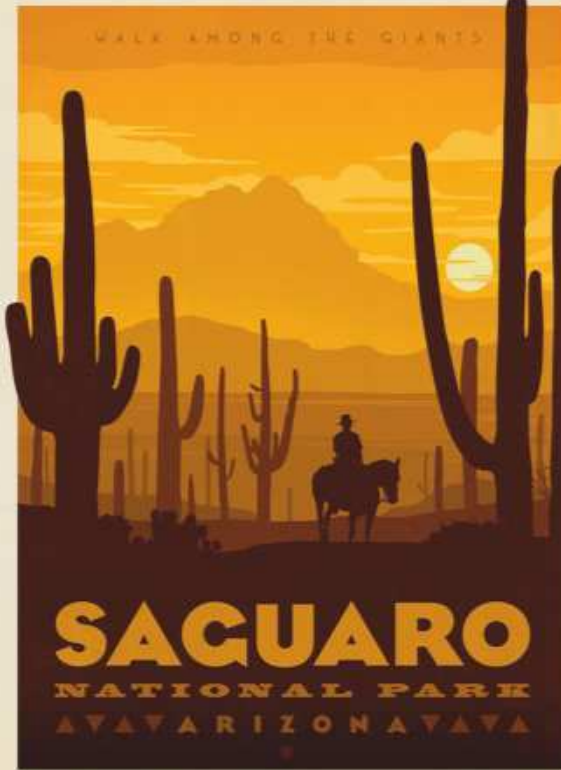
The four-year project produced at least one illustration for 59 of the 60 parks. The team spent another two years creating multiple posters for the most popular parks. In support, Anderson personally photographed multiple locales. "It's on my bucket list to visit all the parks," he says. "I've been to 20, so I still have lots of adventures ahead!"

adgstore.com

Parks Perkily Packaged

Top, set of 30 postcards; right, playing cards; opposite, a representative spread of posters.

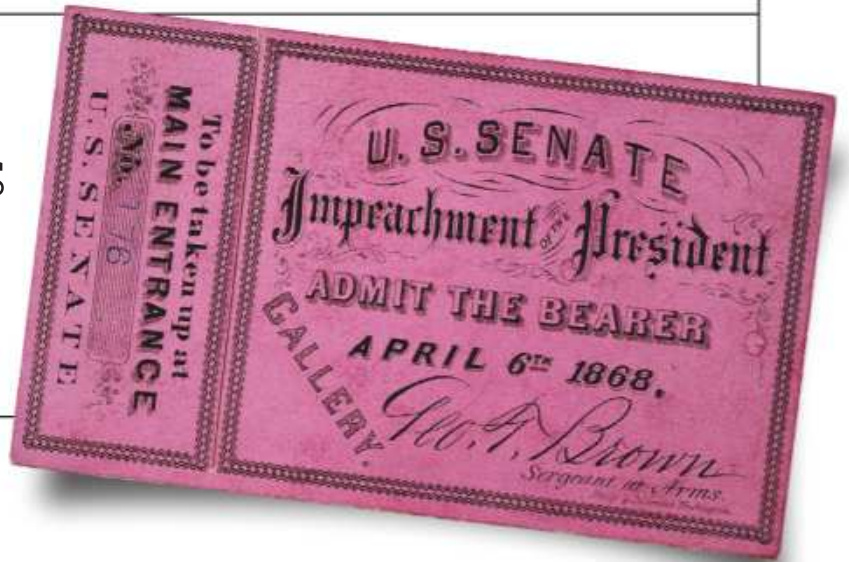






High Crimes

The perils of impeachment—
what we’ve learned in 200-plus
years of pulling the pin
By Joseph Connor



W

hen Thomas Jefferson took office on March 4, 1801, he inherited a hostile judiciary. Predecessors George Washington and John Adams had packed the federal bench with jurists whose views clashed sharply with the new president's. Jefferson particularly chafed at the enthusiasm with which these Federalist judges had enforced the Sedition Act, which had outlawed criticism of the government. Jefferson wanted to remove these conservative judges and replace them with jurists sharing his far more liberal views—but how?

Federal judges serve for life. Like presidents, these officeholders can be removed only by impeachment, a process the Constitution limits to individuals the Senate finds to have committed treason, bribery, or “other high Crimes and Misdemeanors.” The judges so vexing to Jefferson were rabid partisans who had flaunted their politics in the courtroom. However, none had engaged in criminal conduct. Impeachment and removal would hinge on whether the term “high Crimes and Misdemeanors” includes non-criminal conduct. As Jefferson soon learned, there was—and is—no simple answer.

The men who met in Philadelphia in 1787 to draft the Constitution knew the United States needed a means of ousting federal officials found to have abused their positions. The delegates, having endured the rule of an unremovable British monarch, at first focused on impeachment of an errant president. “Should any man be above Justice?” asked George Mason of Virginia. “Above all shall that man be above it, who can commit the most extensive injustice?” Without a vehicle for peaceable removal of the chief executive, Benjamin Franklin of Pennsylvania noted, the recourse could be violence. If that occurred, said Edmund J. Randolph of Virginia, the result would be “tumults & insurrections.” Delegates saw impeachment proceedings as a high-reward/low-risk proposition. “A good magistrate will not fear them. A bad one ought to be kept in fear of them,” said Elbridge Gerry of Massachusetts. Realizing that holders of other governmental positions might abuse their positions, the delegates expanded the list of officials subject to impeachment from the president alone to the “President, Vice President and all civil Officers of the United States.”

The delegates entrusted the removal mechanism to Congress. A majority vote by the House is called impeachment, but impeachment is only the filing of formal charges, known as articles of impeachment, enumerating the proffered grounds for removal. To oust a president or other official from office, the Senate must, by a two-thirds majority, convict that official of the stipulated impeachable offense or offenses.

The Fountainhead

When the Founders assembled to write the Constitution of the United States, they bequeathed on the nation a less than straightforward set of principles to guide Americans when it came to impeaching government officials. Above, ticket to President Andrew Johnson's 1868 impeachment.

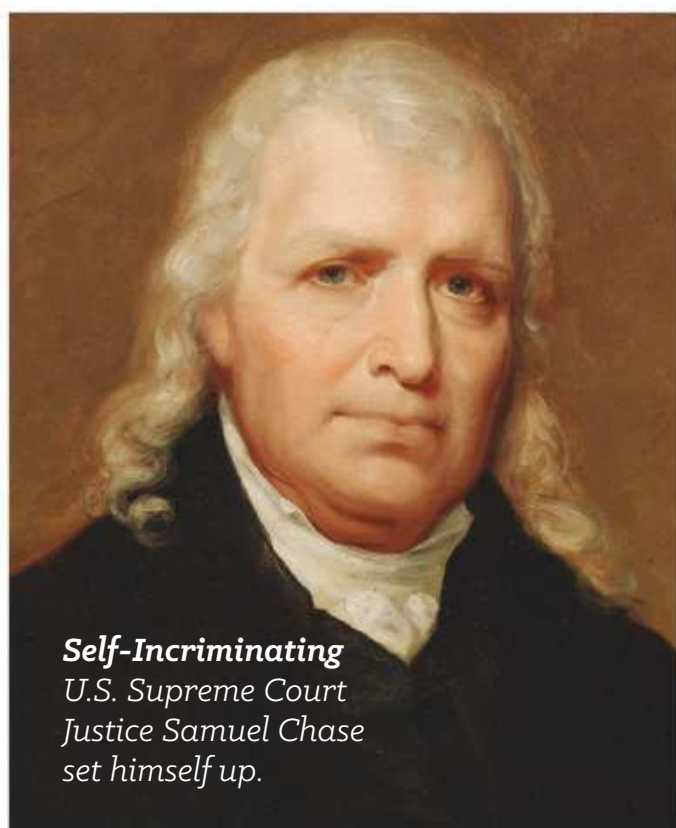
The tougher question was how to define impeachable offenses. Delegates rejected vague standards like “malpractice or neglect of duty,” “corruption,” and “maladministration.” They agreed on treason and bribery but wanted something more. Since 1386, the English parliament had been using the term “high crimes and misdemeanors” as grounds for removal of royal officials for a wide range of misconduct, including misapplication of funds, neglect of duty, and abuse of power. On September 8, 1787, after having met for more than three months in the brutal Philadelphia heat, the Convention delegates added, without debate, “high Crimes and Misdemeanors” as a catch-all impeachable offense. That ringing phrase lacked precision but satisfied the exhausted delegates, who also decided that even after being impeached and convicted, an official wouldn’t be home free. He could also be “liable and

subject to Indictment, Trial, Judgment and Punishment, according to Law,” they declared, without deciding whether a sitting president can be indicted or tried in criminal court.

After the Constitutional Convention, delegates explained what conduct they took to be impeachable. To Alexander Hamilton of New York and Charles Pinckney of South Carolina, such offenses required an abuse of the public trust. A discussion between Mason and James Madison at Virginia’s ratification convention offered a detailed example. Mason told Madison he feared a presidential malefactor might pardon accomplices. If he did so early enough, Mason said, the president in question could prevent an investigation of his own misconduct. Nonsense, Madison replied. “[I]f the President be connected, in any suspicious manner, with any person, and there be grounds to believe he will shelter him,” Marshall said, “the House of Representatives can impeach him.”

Within a decade, Congress was encountering its first impeachment case. In 1797, Senator William Blount, Democratic-Republican of Tennessee, had hatched a plot to help England wrest Louisiana from Spain. Spain and England were at war, but the United States was at peace with each. This meant that Blount’s conspiracy violated American neutrality laws. On July 8, 1797, the House voted to impeach the Tennessean. The Senate expelled Blount the next day. On January 11, 1799, the upper body dismissed the impeachment charges, presumably because Blount no longer held office.

Defeating Federalist incumbent John Adams in the 1800 election, Jefferson took office the following March warily eyeing the federal bench. Federalist judges were, a newspaper noted, “partial, vindictive, and cruel”—and, in Jefferson’s eyes, wielders of immense power. The Constitution “is a mere thing of wax in the hands of the judiciary, which they may twist, and shape into any form they please,” he said. With such a judiciary in place, the president feared, “all the works of republicanism are to be beaten down and erased.” Political reality militated against precipitous action. Jefferson’s Democratic-Republican party controlled the House 65-40, with one seat vacant. In the Senate, however, the Federalists retained a slim 17-15 majority. Before Jefferson could begin his campaign, he needed a



Self-Incriminating
U.S. Supreme Court
Justice Samuel Chase
set himself up.

Over the Line

An Impeachment Chronology

by Joseph Connor



William Blount
U.S. senator (DR-Tennessee)
IMPEACHED: July 7, 1797
CHARGES: Conspiring to assist in Great Britain’s attempt to seize Spanish-controlled territories in modern-day Florida and Louisiana
TRIAL: Dec. 17, 1798–Jan. 14, 1799
OUTCOME: Charges dismissed for want of jurisdiction; Blount had been expelled from the U.S. Senate before his trial.



John Pickering
Judge, U.S. District Court, District of New Hampshire
IMPEACHED: March 2, 1803
CHARGES: Intoxication on the bench and unlawful handling of property claims
TRIAL: March 3–March 12, 1804
OUTCOME: Found guilty; removed from office

Federalist judge to misbehave in a way that unequivocally demanded impeachment.

Even before the 1800 election, Supreme Court Justice Samuel Chase had begun building a case against himself. Born in 1741, Chase had served in the Continental Congress and had signed the Declaration of Independence. However, he had “an oversized ego, and his irascibility had won him many enemies,” historian John B. Boles noted. In those days, Supreme Court justices rode the circuit, overseeing matters in the lower federal courts. In May 1800, Chase was traveling to a courtroom in Richmond, Virginia. During his trip, he read *The Prospect Before Us*, a political pamphlet written by James T. Callender. Callender, a professional rabble-rouser, at the time was vociferously pro-Jefferson and viciously anti-Federalist; in fact, Jefferson had encouraged him and sent him money. In publishing *Prospect*, Callender plunged vigorously into the 1800 campaign. Voters faced a choice “between Adams, war and beggary, and Jefferson, peace and competency,” he wrote in his tract.

As Chase read Callender’s attacks on Adams in *Prospect*, his “indignation was strongly excited, by the atrocious and profligate libel,” the jurist later said. Chase vowed to do something about Callender, and he had the means. In 1798, Congress had enacted the Sedition Act, making it a crime to publish “any false, scandalous, and malicious writing” about the president or the federal government.

On May 24, 1800, Chase persuaded a Virginia grand jury to charge Callender with sedition. The indictment cited 20 anti-Adams passages in *The Prospect Before Us*. These included a characterization of the Adams presidency as “one continued tempest of malignant passions,” descriptions of Adams as a “hoary headed incendiary” and “a professed aristocrat,” and an accusation that Adams had “contrived



Head-Hunter

Thomas Jefferson entered office intending to ax jurists.

pretences to double the annual expense of government by useless fleets, armies, sinecures and jobs of every possible description.”

Presiding at Callender’s trial in Richmond, Chase behaved less like a judge than an out-of-control prosecutor. He denied Callender time to prepare a defense, barred a key defense witness from taking the stand, badgered defense counsel, refused to disqualify a juror who admitted bias, and told the jury he thought Callender guilty.

On June 3, 1800, after deliberating two hours, the jury convicted Callender. Chase sentenced the pamphleteer to nine months in jail and fined him \$200. Callender served his time and was released on March 3, 1801, the day before Jefferson took office and the day the Sedition Act expired. Two weeks later, the new president, who loathed the Sedition Act, pardoned Callender. As a reward for reviling Adams, the journalist expected Jefferson to name him postmaster of Richmond. Jefferson refused, prompting Callender to turn on his former patron with the same gusto he had shown Jefferson’s foes. In 1802, Callender published a series of articles alleging that Jefferson had had a sexual relationship with his slave, Sally Hemings.

In 1802, John Pickering, a federal trial judge in New Hampshire, offered Jefferson a sitting-duck target for impeachment. Even before being appointed to the federal bench in 1795, Pickering, author of New Hampshire’s Constitution, had been known for erratic behavior, and his conduct had worsened.

In October 1802, a Democratic-Republican customs official at Portsmouth, New Hampshire, alleging customs violations, seized the ship *Eliza*. The ship’s owner was a prominent Federalist to whom Pickering immediately returned the vessel. The same customs official filed suit to re-seize the ship and to collect penalties. The trial began on November 11, 1802, with Pickering in no condition to proceed. He “exhibited every



Samuel Chase

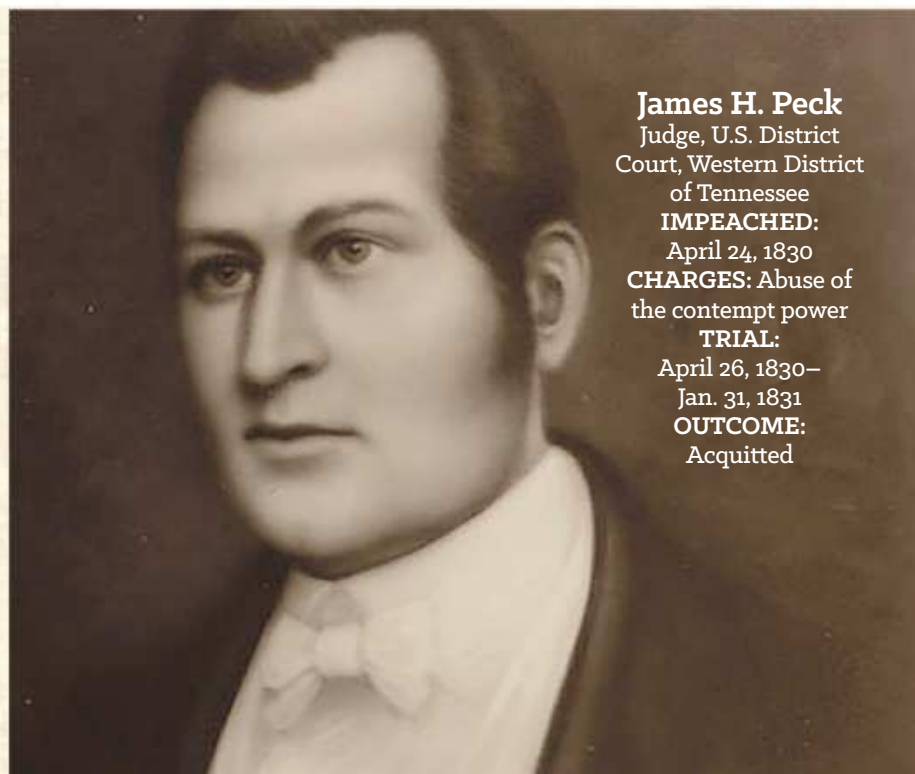
Associate justice,
U.S. Supreme Court

IMPEACHED: March 12, 1804

CHARGES: Arbitrary and
oppressive conduct of trials

TRIAL: Dec. 7, 1804–March 1, 1805

OUTCOME: Acquitted



James H. Peck

Judge, U.S. District
Court, Western District
of Tennessee

IMPEACHED:

April 24, 1830

CHARGES: Abuse of
the contempt power

TRIAL:

April 26, 1830–

Jan. 31, 1831

OUTCOME:

Acquitted



West H. Humphreys

Judge, U.S. District Court,
Western District of Tennessee

IMPEACHED: May 6, 1862

CHARGES: Refusing to hold
court and waging war against
the U.S. government

TRIAL: June 9–June 26, 1862

OUTCOME: Found guilty;
removed from office and
disqualified from future office

Bad Luck and Trouble

President Andrew Johnson takes delivery of a document related to an impeachment whose three-month duration came to nought when he was acquitted.

mark of intoxication; staggered and reeled, spoke in a thick way,” said court clerk Jonathan Steele. Pickering threatened to give a “damn’d Caning” to an attorney who had displeased him, and when court adjourned for the day, remarked, “I shall be sober in the Morning. I am now damned drunk.” The next morning, the judge was “equally deranged or intoxicated,” deputy marshal Thomas Chadbourn noted. Pickering complained about having to decide “such damn’d paltry matters” and declared, “if we sit here four thousand years the ship will still be restored.” The prosecutor argued that customs duties bring the government revenue. “Damn the revenue,” the judge replied. “I get but a thousand dollars of it.” Pickering returned the *Eliza* to its Federalist owner, a ruling seen as blatant political favoritism.

The prosecutor, livid, collected affidavits from witnesses to the spectacle and sent this documentation to Jefferson. On February 3, 1803, the president referred the matter to Congress. Pickering’s removal was “not within Executive cognizance,” Jefferson wrote in his transmittal letter, but the House has “the power of instituting proceedings of redress.” Privately, Jefferson told a friend, he thought Pickering’s antics to be “sufficient cause of removal without further enquiry.” On March 2, 1803, the House, voting 45-8, impeached Pickering and sent the case to the Senate for trial. The articles of impeachment accused Pickering of illegally returning the *Eliza* to its owner, presiding at trial “in a state of total intoxication, produced by the free and intemperate use of intoxicating liquors,” and speaking in court “in a most profane and

indecent manner...to the evil example of all the good citizens of the United States.”

While a Senate trial was pending against Pickering, Chase gave the Democratic-Republicans more ammunition against himself. On May 2, 1803, while riding the circuit in Maryland, Chase turned an occasion for routine legal instructions to a Baltimore grand jury into a political tirade against Jefferson and principles the president held dear. Chase attacked “the modern doctrines by our late reformers, that all men in a state of society are entitled to enjoy equal liberty and equal rights.” He repudiated as the musings of “visionary and theoretical writers” the unalienable rights set forth in the Declaration of Independence, which Jefferson had written, and which Chase had signed. An expanded right to vote in Maryland, Chase told grand jurors, would cause society to “crumble into ruins before many years elapse.”

The press reported Chase’s speech, with the *National Intelligencer* calling his words “the most extraordinary that the violence of federalism has yet produced.” Jefferson agreed. On



Andrew Johnson

President of the United States

IMPEACHED: Feb. 24, 1868

CHARGES: Violating the Tenure of Office Act by removing Secretary of War Edwin Stanton from office

TRIAL: Feb. 25–May 26, 1868

OUTCOME: Acquitted



Mark H. Delahay

Judge, U.S. District

Court, District of Kansas

IMPEACHED: Feb. 28, 1873

CHARGES:

Intoxication on the bench

TRIAL: None held

OUTCOME:

Resigned prior to trial



William W. Belknap

U.S. secretary of war

IMPEACHED: March 2, 1876

CHARGES: Criminal disregard for his office and accepting payments in exchange for making official appointments

TRIAL: March 3–Aug. 1, 1876.

Found guilty; removed from office and disqualified from future office



Charles Swayne

Judge, U.S. District Court,

Northern District of Florida

IMPEACHED: Dec. 13, 1904

CHARGES: Abuse of contempt power and other misuses of office

TRIAL: July 13, 1912–Jan. 13, 1913

OUTCOME: Found guilty; removed from office and disqualified from future office

May 13, 1803, the president wrote to Representative Joseph H. Nicholson (DR-Maryland), asking, “[O]ught this seditious & official attack on the principles of our constitution, and on the proceedings of a state, to go unpunished?” Although Jefferson told Nicholson “it is better that I should not interfere,” his letter clearly was a call for action against Chase.

However, Pickering was first in line. The Senate began Pickering’s impeachment trial on March 2, 1804. The 66-year-old jurist, said to be too ill to make the 12-day journey from New Hampshire to Washington, did not appear. The Senate tried him in *absentia*. Pickering’s defense, offered by proxy, was that he was insane, as certified by an examining physician who found the judge to be “wild, extravagant, and incoherent.” While Pickering was unfit to sit on the bench, however, he had committed no crime. The question was whether non-criminal conduct constituted a high crime or misdemeanor, a quandary for the Federalists.

The Federalists didn’t want to allow Jefferson to use impeachment to remove Federalist judges for non-criminal conduct. In addition, they suspected the Pickering case was a warm-up for proceedings against Chase and other compatriots. The Federalists also knew Pickering was unfit to serve. However, in a bid to limit the removal power, they insisted the government allege the commission of a crime. If non-criminal conduct could be invoked to justify impeachment, Senator Samuel White, Federalist of Delaware, argued, “every officer of the Government must be at the mercy of a majority of Congress.” Since impeachment was the only way to remove a judge, Federalists by default were willing to tolerate, in the words of historian Lynn W. Turner, “monstrous misgovernment of courts presided over by irremovable lunatics” like Pickering.

Jeffersonians, now holding a 25-9 Senate majority, had an easy target in Pickering. They employed his case to propel an expansive reading of the rubric “high Crimes and Misdemeanors.” If Pickering’s non-criminal conduct did not suffice to justify removal, asked Senator James Jackson (DR-Georgia), “How shall we get rid of the Judge?” To Senator George Logan (DR-Pennsylvania), Pickering’s misbehavior, criminal or not, imposed on the Senate a duty to remove him.

On March 12, 1804, the Senate convicted Pickering by a 19-7 party-line vote. He was removed from office, the first American official to lose his job through impeachment. Partisans of Jefferson wasted no time in moving against Chase.

Within an hour of Pickering’s removal, the House impeached Chase by a 73-32 vote.



Trial by Firer
Vice President
Aaron Burr presided
at Justice Samuel
Chase’s 1805 trial.

The articles of impeachment against Chase dealt with four matters the jurist had handled. The most damaging charges focused on the Callender trial and Chase’s instructions to the Baltimore grand jury. During the Callender trial, the House alleged, Chase had displayed “an indecent solicitude...for the conviction of the accused, unbecoming even a public prosecutor, but highly disgraceful to the character of a judge.” As for the Baltimore episode, the House charged, Chase’s instructions to the grand jury had constituted “an intemperate and inflammatory political harangue” that was “peculiarly indecent and unbecoming in a judge of the Supreme Court.”

On February 4, 1805, Chase’s trial began before the Senate, sitting as the High Court of Impeachments. Chase was one of the then six members of the country’s highest court, making his trial a major event. The Senate chamber was “fitted up in a style of appropriate elegance,” a crimson cloth draping each solon’s chair, and an overflow crowd packed the galleries, an observer



Robert W. Archbald
Associate judge,
U.S. Commerce Court
IMPEACHED: July 11, 1912
CHARGES: Improper business
relationship with litigants
TRIAL: July 13, 1912–Jan. 13, 1913
OUTCOME: Found guilty;
removed from office and
disqualified from future office



George W. English
Judge, U.S. District Court,
Eastern District of Illinois
IMPEACHED: April 1, 1926
CHARGES: Abuse of power
TRIAL: April 23–Dec. 13, 1926
OUTCOME: Resigned
Nov. 4, 1926; proceedings
dismissed Dec. 13, 1926



Harold Louderback
Judge, U.S. District Court,
Northern District of California
IMPEACHED: Feb. 24, 1933
CHARGES: Favoritism in
the appointment of
bankruptcy receivers
TRIAL: May 15–24, 1933
OUTCOME: Acquitted



Halsted L. Ritter
Judge, U.S. District Court,
Southern District of Florida
IMPEACHED: March 2, 1936
CHARGES: Favoritism in the
appointment of bankruptcy receivers
and practicing law as a sitting judge
TRIAL: March 10–April 17, 1936
OUTCOME: Found guilty;
removed from office

reported. Presiding was Vice President Aaron Burr, who less than a year before had killed Hamilton in a duel—an irony that did not escape notice. “It was the practice in Courts of Justice to arraign the *murderer* before the *Judge*,” the New York Evening Post noted, “but now we behold the *Judge* arraigned before the *murderer*.”

A striking figure more than six feet tall with “a repete for eloquence second to few of his day,” Chase, 63, began the proceedings with a lengthy speech impugning the charges against him. His main point was the Federalist creed. “No civil officer of the United States can be impeached, except for some offence for which he may be indicted at law,” Chase said.

Unrepentant, Chase never denied the words and actions attributed to him. *The Prospect Before Us* was so obviously seditious, he argued, “who is there, that having either seen the book, or heard of it, had not necessarily formed the same opinion?” He claimed his instructions to the Baltimore grand jury had not included “anything that was unusual, improper, or unbecoming in a judge.” He had spoken, Chase said, “as a friend to his country and a firm supporter of the Governments, both of the State of Maryland and of the United States.”

Chase thoroughly wrapped himself in the cloak of free speech. Were he to lose his job because of anything he had said, he argued, “the liberty of speech on national concerns must hereafter depend on the arbitrary will of the House of Representatives and the Senate.” In a nod to humility, Chase asked the senators to make “allowance for the imperfections and frailties incidental to man.”

The Federalists toed their party line. Because Chase had committed no crime, fellow partisans said, he could not be removed. If removal did not require the commission of a crime, argued Chase’s counsel, Federalist Robert Goodloe Harper, removal would be “determined on expediency, and not on fixed principles of law.” Still, Federalists squirmed; they knew Chase had acted badly. Chase’s conduct, Senator William Plumer (F-New Hampshire) confided in his diary, was “a tissue of judiciary tyranny.” Even Chief Justice John



Marshall, another Federalist and a colleague of Chase on the High Court, had to admit before the Senate that if Chase’s behavior was “not considered tyrannical, oppressive, and overbearing, I know nothing else that was so.”

Most Jeffersonians maintained their broad view of impeachable offenses. Representative John Randolph (DR-Virginia), who prosecuted the Senate trial on behalf of the House, attacked the “monstrous pretension that an act to be impeachable must be indictable.” All that is needed to make an offense impeachable, said Senator William B. Giles

Smiling Too Soon
Federal Judge Alcee Hastings in 1983 after beating perjury and bribery charges. In 1989, the Senate convicted him.

Richard M. Nixon

President of the United States
Facing impeachment and removal from office as a result of the Watergate conspiracy and scandal, Nixon resigned from office on August 9, 1974.

TRIAL:

Never convened

OUTCOME:

Pardoned by successor Gerald Ford for any theoretical federal crimes.



Harry E. Claiborne

Judge, U.S. District Court, District of Nevada

IMPEACHED: July 22, 1986

CHARGES: Income tax evasion and of remaining on the bench following criminal conviction

TRIAL: Oct. 7–9, 1986

OUTCOME: Found guilty; removed from office



Alcee L. Hastings

Judge, U.S. District Court, Southern District of Florida

IMPEACHED: Aug. 3, 1988

CHARGES: Perjury and conspiring to solicit a bribe

TRIAL: Oct. 18–20, 1989

OUTCOME: Found guilty; removed from office

(DR-Virginia), is “for a majority of the House & two thirds of the Senate to agree to that accusation.”

During the 22-day trial, more than three dozen witnesses testified. March 1, 1805, was judgment day. When shortly after noon senators filed into the Senate chamber, the galleries were packed, and anticipation was “wrought up to the highest pitch,” a reporter wrote. Every vote counted; attendants carried in Senator Uriah Tracy (F-Connecticut) on his sickbed. “Hope and fear, according to the wishes of the individual, kept the judgment in suspense,” said an observer. The Democratic-Republicans held 25 Senate seats, the Federalists held nine; 23 votes were needed for the required two-thirds majority.

Burr instructed each senator to “proceed to pronounce distinctly your judgment on each article.” When the votes were tallied, Burr announced the result: “It appears that there is not a Constitutional majority of votes finding Samuel Chase, Esq., guilty on any one article.” The gallery sat in stunned silence, one Federalist senator recalled, “though from their countenance they *appeared* not only satisfied but highly *gratified*.”

A majority had voted for removal, but that majority had not met the 23-vote threshold. On the two counts pertaining to the Callender trial, the vote was 18-16 for removal. On the count involving the Baltimore grand jury, the vote was 19-15 to oust Chase. All nine Federalists had voted for acquittal, but enough Democratic-Republicans had broken ranks to swing the result. Prosecutor Randolph was “chagrined & much mortified at the result” and retreated to the House to give “a violent phillippic [sic] against Judge Chase & against the Senate,” Federalist Senator Plumer chortled.

Both Jefferson and Chase learned bitter lessons. Jefferson realized that impeachment was “a bungling way” to recast the judiciary. His party made no further attempts to impeach any judge. Chase learned to control his behavior on the bench and to keep politics out of the courtroom. Time proved Jefferson’s ally in reshaping the bench. During his two terms, he filled 19 judicial vacancies, including three on the Supreme Court.

Since 1805, the House has impeached only 16 officials—two presidents, one cabinet secretary, and 13 judges. Of those, the Senate has removed seven and acquitted six, with three resigning before trial. Impeached presidents Andrew Johnson and Bill Clinton were acquitted and remained in office. The constitutional requirement of a two-thirds Senate majority for removal is a formidable barrier and has made ouster via impeachment a rare event.

The definitions of “high crime” and “misdemeanor” remain open and elusive. The Pickering case suggests no actual crime is needed, a view many legal scholars embrace. However, targets of impeachment efforts consistently argue to the contrary. The Supreme Court might never resolve the issue, since the Constitution entrusts impeachment and removal solely to Congress. Even if a crime isn’t needed, there are no settled rules as to the specific level of non-criminal misconduct that warrants removal, as the Chase trial shows. The most honest—and perhaps only—answer is, as it has been since the days of Pickering and Chase, that a high crime or misdemeanor is whatever a majority of the House and two-thirds of the Senate say is a high crime or misdemeanor. ★

Unimpeachable
When Richard Nixon resigned, tickets to his canceled impeachment became highly collectible.



Walter L. Nixon
Judge, U.S. District Court,
Southern District of Mississippi
IMPEACHED: May 10, 1989
CHARGES: Perjury before
a federal grand jury
TRIAL: Nov. 1–3, 1989
OUTCOME: Found guilty;
removed from office



William J. Clinton
President of the United States
IMPEACHED: Dec. 19, 1998
CHARGES: Lying under oath
to a federal grand jury and
obstruction of justice
TRIAL: Jan. 7–Feb. 12, 1999
OUTCOME: Acquitted



Samuel B. Kent
Judge, U.S. District Court,
Southern District of Texas
IMPEACHED: June 19, 2009
CHARGES: Sexual assault,
obstructing and impeding an official
proceeding, and making false and
misleading statements
TRIAL: June 24–July 22, 2009
OUTCOME: Resigned June 30, 2009,
before the completion of the trial

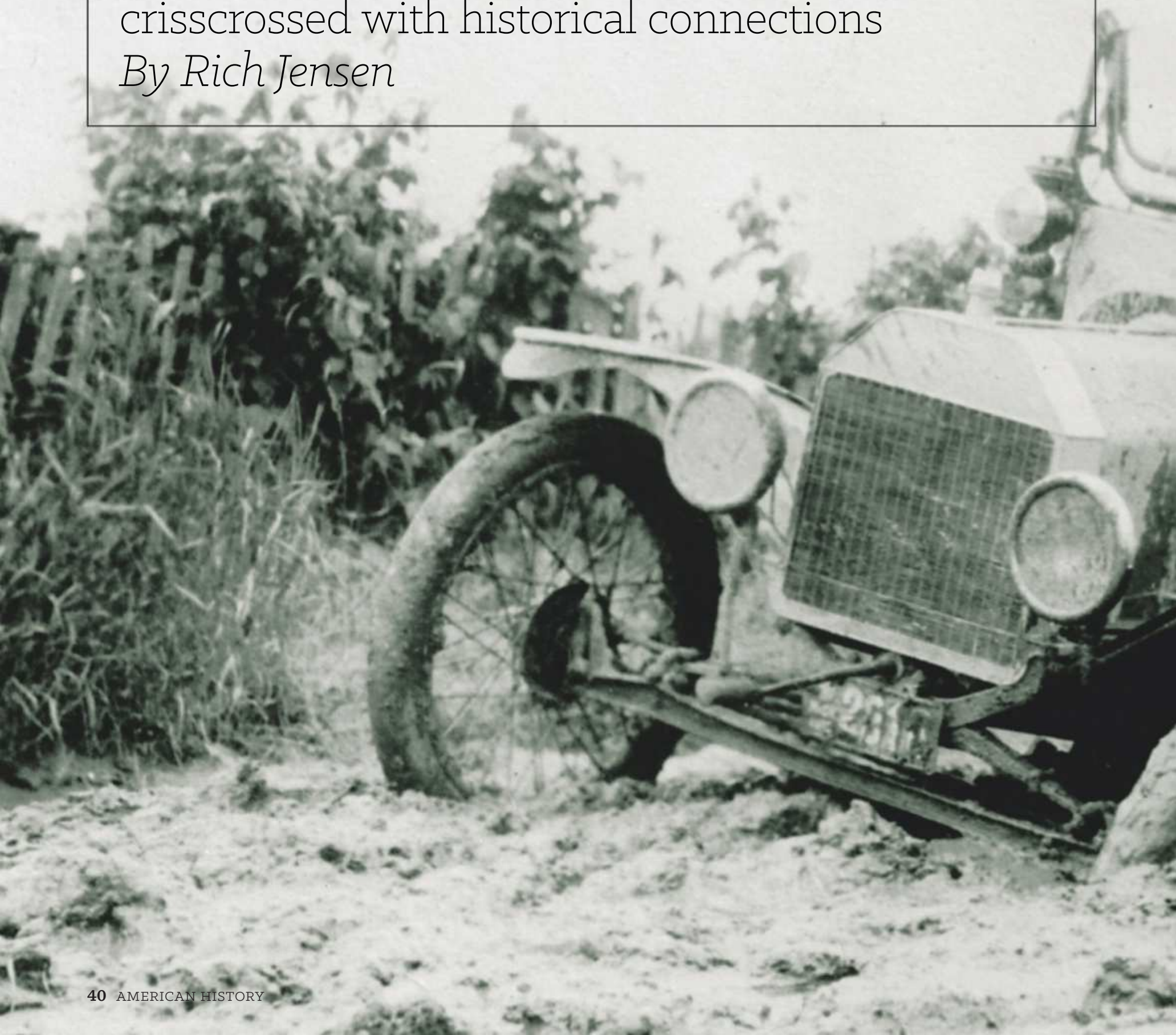


G. Thomas Porteous Jr.
Judge, U.S. District Court,
Eastern District of Louisiana
IMPEACHED: March 11, 2010
CHARGES: Accepting bribes
and making false statements
under penalty of perjury
TRIAL: Dec. 7–8, 2010
OUTCOME: Found guilty;
removed from office and disqualified
from holding future office

Highway to the Future

The National Road is rutted and crisscrossed with historical connections

By Rich Jensen



T

oday vehicular traffic whips effortlessly in both directions across the Appalachian Mountains, which separate the Eastern Seaboard from the American heartland. In early colonial times, however, that low-lying cordillera, though ancient and worn, nonetheless functioned as a near-impassable barrier. With plenty of land still available east of the mountains, only those traveling light and most determined to go west—Native Americans, trappers, traders—traversed the Appalachians.

However, in 1754, Austria's rulers, the Habsburgs, decided to grab back Silesia, a province in what is now Poland, that Prussia had snatched. The resulting conflict ignited the Seven Years' War, a European contest that spilled into the world at large. France sided with Austria. Britain sided with the Prussians. Each saw in that continental conflict a chance to evict the other from North America's Ohio River Valley, which both Britain and France claimed.

France claimed Quebec and all the land drained by the Mississippi River and its tributaries. Britain declared that it owned North America between the Atlantic and Pacific Oceans. The global confrontation's American portion, the French and Indian War, brought the first road over the Appalachians into being. That artery grew and evolved to become U.S. Route 40, the National Road.

Road Hog

A long-ago photographer memorialized a bad day for one driver trying to keep rolling on U.S. 40.



In 1755, intent on ejecting France from the Ohio Valley, the British crown assigned General Edward Braddock to attack Fort Duquesne, a French bastion at the confluence of the Allegheny and Monongahela Rivers in what is now southwest Pennsylvania. To take Fort Duquesne, Braddock had to march nearly 2,500 troops from Alexandria, Virginia, across the Appalachians. To cross the mountains with wagons, horses, cannon, and supplies enough to sustain themselves and to prevail by siege, those troops needed to build their own road (see “Road to Nowhere,” p. 47).

Braddock was commanding British regulars who had been garrisoned in Ireland and were the first Redcoats in the American colonies in 70 years. The only colonial on Braddock’s staff was George Washington, who well knew the region Braddock’s regulars would be traversing; in his younger days, the Virginian had surveyed the area. A year earlier, in 1754, Washington, at the time a British officer, had led Virginia militiamen in losing fights in the Appalachians against Frenchmen and Indian allies at Jumonville Glen and Fort Necessity. Those defeats, the first engagements in the French and Indian War, galvanized Washington into resigning his commission and the British into mounting what became Braddock’s expedition. A year later, accepting an informal captaincy Braddock had proffered, Washington joined the newly arrived Redcoats at Alexandria. From that port, augmented by colonial militiamen and fresh recruits, Braddock’s



Still Early Days
The extent of the National Road, or National Pike, as of 1840.

corps on May 29, 1755, began a 300-mile march west. The 145-mile first leg brought the force to Fort Cumberland, near what is now Cumberland, Maryland.

Braddock’s men began building a 12-foot-wide military road that would wind northwest around mountains and across rivers and creeks to get the soldiers near enough to Fort Duquesne to lay siege. The British expected an easy victory. The British were wrong.

Building the military road proved punitive. The exhausting two-month exercise ended with Braddock’s force routed and its general grievously wounded during the Battle of the Monongahela. On July 13, as his former command was retreating east on the new road, Braddock died. To spare his corpse desecration by the foe, Washington had Braddock buried in the roadbed, then marched troops and teams pulling wagons over the spot until hooves, boot heels, and iron wheels had obliterated the general’s grave.

British troops and colonial militia eventually drove the French out of Fort Duquesne, renaming the captured bastion for Prime Minister William Pitt—hence Pittsburgh, Pennsylvania. Britain’s 1763 victory in the French and Indian War left the crown owning the land east of the Mississippi and north of the Ohio. Upon achieving independence in 1783, the United States of America took possession



Uneasy Rest
His men buried British General Edward Braddock under the road he had had them build.

**THE ROADWAY
WAS TO BE 20
FEET WIDE,
PAVED WITH 12
TO 18 INCHES
OF STONES, ITS
SURFACE
CROWNED TO
SHED RUNOFF
INTO DITCHES
AT EITHER
SIDE.**

of 260,000 square miles of that holding.

Into the region, now called the “Northwest Territory,” streamed settlers. One was Ebenezer Zane, who had been a colonel in the Continental Army. During the Revolution, Zane had stood fast in two British sieges near what is now downtown Wheeling, West Virginia. In 1796, he approached Congress with a plan to build a road starting at Wheeling and continuing across the Northwest Territory to the Ohio River near Cincinnati. To fund the venture, Zane requested land grants at river crossings that he could subdivide and sell, as well as a concession to ferry travelers from shore to shore. Congress conferred those grants. With his brother, son-in-law, and native guides, Zane set out.

As a road-building crew, Zane and company were not very formidable, and the road they built—Zane’s Trace—was not very impressive. The construction crew generally followed existing native trails, which the men widened by felling trees where necessary. Occasionally the workers marked the route but did very little to improve trails into roads able to handle traffic heavier than the occasional pedestrian or rider. Zane’s Trace included steep ascents and descents dangerous for horse-drawn wagons, and in places was not even wide enough for two wagons to pass one another.

Zane’s Trace became a relatively straight 230-mile path north of the Ohio River linking Wheeling, West Virginia, to Maysville, Kentucky, across the Ohio. Upon its completion the authorities suspended roadbuilding in the new territory. Seven years later, in 1803, when Ohio was carved out of the Northwest Territory, Zane’s Trace was the only road in that entire state. In 1804, workmen repairing what had become a thoroughfare uncovered Braddock’s bones and medals near what is now Farmington, Pennsylvania.

Lawmakers recognized the need for roads in the Northwest Territory, and in admitting Ohio, Indiana, and Illinois stipulated that federal lands in those states could be sold to fund road construction. In 1806, Congress made its first use of the provision to sell frontier lands and authorized construction of a National Road—the nation’s first infrastructure project. Five years in the planning, the National Road was to begin by modernizing the 115-mile run of Braddock’s Road from Cumberland, Maryland, into Pennsylvania, then cut a new route from Pittsburgh to Wheeling.

The original road statute called for dispatching three “disinterested citizens” to survey the route from Cumberland to Wheeling. The road, including rights of way, was to be four rods—66 feet—wide, at the time a common road breadth. Road-building materials were up to the builders, but the road had to have drainage ditches on either side and a maximum grade of 8.75 percent. Before work could start, legislatures in Virginia, Maryland, and Pennsylvania had to give permission

for the road to pass through those states, reflecting the still-gelling notion of federal authority.

Planning was supposed to be done by those “disinterested citizens,” but the route from Pittsburgh to Wheeling was more or less up for sale. Tavernkeepers and merchants in Uniontown and Washington, Pennsylvania, were able to temper the state’s approval with a condition that required the route to pass through those towns. Initially opposed to this horse-trading, President Thomas Jefferson finally accepted the stipulations when Treasury Secretary Albert Gallatin, the road’s main backer in the cabinet, explained the political cost of trying to override them.

The first bids for the Cumberland to Wheeling stretch of road were let in 1808, with construction starting in 1811. The roadway itself was to be 20 feet wide, paved with 12 to 18 inches of stones, its surface crowned to shed runoff into ditches at either side. In 1818, the road reached Wheeling, where construction stalled.

As early as 1808, in a message to Congress, President Jefferson was calling for completion of the National Road as far as St. Louis. From Wheeling the road would follow the path of Zane’s Trace as far as Columbus, Ohio. From Columbus crews would break new ground in a westerly direction roughly parallel to and about 100 miles north of the Ohio River all the way to the Mississippi.

Progress halted between 1818 and 1824 while Congress, President James Monroe, and the Supreme Court disputed the constitutionality of federally funded projects like the National Road. *Gibbons v. Ogden*, a landmark case involving steamboat concessions granted by state and federal governments, settled the question in 1824 in favor of congressional authority to build roads and make other improvements. After *Ogden*, surveying and construction resumed in Ohio in 1825 and began in Indiana in 1827. The route reached Zanesville, Ohio, in 1830, Columbus in 1833, and Springfield by 1838. In Indiana, surveying crews set out from Indianapolis, laying the road arrow straight in both directions. Indiana was less populous and had a terrain more amenable to roadbuilding, enabling crews to work to a lower standard and lay a road across that state by 1834. Surveyors set out from the eastern border of Illinois in 1828, aiming for but never reaching the Mississippi.

Repair and maintenance costs proved troublesome. Congress had provided for sale of public lands to fund road construction, but had not funded upkeep. Lawmakers were loath to spend general funds to maintain a road benefiting only a few states. The solution was to sign over the road to those states and let them fund maintenance by charging tolls. Through the 1830s, federal appropriations bills funded construction, whereupon the federal government titled the completed road to the state in question. By project’s end, Congress had spent almost \$7 million building the 620-mile road.

By 1839, the National Road was largely completed from

Cumberland, Maryland, to Vandalia, Illinois, where construction of the original road stopped for good. Save for a few stretches paved with crushed rock and sections of corduroy—logs laid perpendicular to the path—the National Road in Illinois was mostly ruts punctuated by stumps cut low enough for wagons to pass. Residents of western Indiana and Illinois hoped for an upgrade but interest in improving hinterland highways was thin in Washington. During his term, between 1837 and 1841, President Martin Van Buren openly opposed further roadbuilding. Voted out of office, Van Buren was on the hustings in 1842 when he passed between Indianapolis and Terre Haute. Locals decided to demonstrate to the infrastructure-loathing ex-president the National Road's awful state—by staging an accident. Outside Plainfield, Indiana, Van Buren's coachman, who was in on the scheme, swerved, ostensibly to avoid an elm tree, dumping the former president into the mud. Lacking wheels and dripping Hoosier muck, Van Buren had to walk to a nearby inn and clean up before continuing to Indianapolis.

In the East, the road proved so resounding a success that as early as the 1820s users were calling for repairs and improvements, just in time to bring to bear a resuscitated vintage roadbuilding method. In Scotland, amateur engineer John McAdam, formerly of New York, was developing the first innovation in paving since Roman times. Macadam pavement, as his product came to be called, layered crushed rock into a surface almost as durable as cemented cobblestone. A McAdam surface consisted of carefully graded and sized rock,



Mr. McAdam

The canny Scot made ancient roadbuilding anew with his method.

with the smallest-diameter stones at the surface. The weight of wagons and carriages rolling on iron-rimmed wheels tightly compressed the layers into a matrix nearly as solid as if stonecutters had hewn and laid larger pieces of pavement. Workers were assigned to use iron rings for gauging rock size, but the easiest test for the top layer's roughly one-inch diameter pieces was an open yap. If a worker's mouth could hold the piece, it was right for the road. McAdam's method is still used on gravel roads, with wire screens replacing mouths. The first stretch of National Road was done before McAdam brought his paving method across the Atlantic, but eastern reconstruction from the 1820s on relied on McAdam's system.

While state and federal governments bickered about expenses, a way of life took form along the road. Taverns, inns, stagecoach waystations, and towns came to dot the interstate artery as merchants, publicans, and other businessmen who had started enterprises at the road's eastern end followed the pavement toward the sunset, capitalizing on opportunities farther and farther west and establishing a community and a culture centered on the road itself.

From the 1830s to the 1850s the stretch from Cumberland, Maryland, to the Ohio line saw unprecedented traffic and commerce. Teamsters with brightly painted Conestoga wagons that could haul five tons of freight crossed the Alleghenies, making 15 to 20 miles a day. Stables were scarce, but in fall and winter canny teamsters knew to carry blankets. A teamster recalled

Wagons Ho!

Before sailing the prairie, Conestoga wagons came to town.





seeing 30 six-horse teams at one inn, along with 100 mules. In pens surrounding that public house were a thousand head of cattle and pigs, some kept for guests of the inn, others put up for the night by drovers taking them to market. Inside, after a meal that as likely as not featured buckwheat cakes, teamsters spread bedrolls in the dining room, their sleeping forms radiating in a half-circle around a stone fireplace that in winter was roaring and in summer cool to the touch. The National Road more or less spawned the trucking industry, as “long-haul” teamsters carried freight between the Northwest Territory and the Atlantic Seaboard.

During the day so many wagons and stages crowded the road that horses hitched to one wagon would be close enough to the wagon ahead to nibble from its feed trough—not bumper-to-bumper but snout to grain. In 1848, Robert McDowell, who was traveling the National Road, counted on one stretch 133 wagons, each drawn by six or more animals. Smaller teams were so plentiful that they were not worth tallying, McDowell said.

Stagecoach lines were competitive and their drivers more highly strung, driven to hurry between stops at top speed. Way stations maintained spare teams, and hostlers, as service personnel were known, became expert at quickly changing teams. On the road, drivers learned to stay just this side of absolute recklessness—most of the time. A driver for the Good Intent Line in Pennsylvania and Virginia used to taunt rivals, “If you take a seat in Stockton’s line/You are sure to be passed

by Pete Burdine.” When one of Stockton’s drivers outpaced Pete, he bel-lowed, invoking the name of a rival company, “Said Billy Willis to Peter Burdine/You had better wait for the Oyster line.”

In roadside towns, stagecoach drivers, teamsters, tavern keepers and those that worked with them were known as Pike Boys—the artery also was known as the National Pike, as in “turnpike,” after the moveable barrier used to stop traffic to collect tolls on private roads—a point of pride or a slur, depending on who was using it.

From Cumberland to Uniontown and Washington, Pennsylvania; from Wheeling to Zanesville, and Columbus, Ohio, and farther west into Indiana and Illinois, the National Road was the Main Street in towns now small and large, the first road called “America’s Main Street.” The Road’s standing may have peaked in 1849, when ferry service across the Ohio yielded to an engineering marvel, the world’s longest suspension bridge. The bridge’s deck hung on steel cables strung between two towers over 1,000 feet apart. That structure is still carrying traffic between Wheeling and Bridgeport, Ohio.

Three years after the Wheeling bridge went up, the B&O Railroad reached the Ohio River at Wheeling, a

Someday’s Suburb

In 1829, Fairview House, aka Three Mile House, did land office business on the National Road near Frederick, Maryland.

The Road Goes on Forever

Left, workmen lay McAdam road between Hagerstown and Boonsboro, Maryland. Center, Route 40 in central Ohio. Right, Casselman River Bridge, Grantsville, Maryland.



foreshadowing of eclipse. Railroads were cheaper and faster than stagecoaches and Conestogas, and for commercial traffic the National Road fell by the wayside. Officially, the Road continued to connect Cumberland to Vandalia, Illinois, but traffic along it was mostly local, and states were paying less attention to road maintenance.

By the late 1870s, the National Road had faded from national awareness. In 1879, *Harper's* magazine chartered a coach and sent reporters along the route through Maryland to research and write what amounted to an obituary for the venerable highway. The resulting article characterizes town after town as sleepy and populated by old-timers wallowing in the past. In places forest was overtaking the road.

Then came two-wheelers. The modern bicycle's introduction in the late 1880s spawned a nationwide call for better roads not just in towns but between them. This Good Roads movement in time replicated itself among owners of vehicles powered by internal combustion engines. When the Model T pattered onto the market, roads returned to the spotlight. By 1911 civic boosters and promoters were sketching nationwide highway networks fancifully characterized as "auto trails." That year in Missouri, Elizabeth Gentry, chair of a local Good Roads committee, proposed combining the National Road with the much older but less intensely developed Santa Fe Trail into a cross-country highway called the National Old Trails Road, to be identified by red white and blue stripes painted on poles studding its length between Washington, DC, and San Francisco. The National Old Trails Road was legitimate—in 1926, Harry Truman headed the association that

**IN 1879,
HARPER'S
WROTE WHAT
AMOUNTED TO
AN OBITUARY
FOR THE
VENERABLE
HIGHWAY. IN
PLACES
FOREST WAS
TAKING OVER
THE ROAD.**

sponsored the highway—but other auto trails were bogus. Grifters would blow into a town, hornswoggle officials and businesses into paying to guarantee that a road would come through, and vanish with the boodle.

In 1916 Congress passed the first highway appropriations bill since the measure funding the National Road. The U.S. Department of Agriculture was to disburse \$75 million to match state funding for road improvements.

By the mid-1920s, highway officials realized the country needed to replace its freewheeling patchwork of auto trails with a system under government oversight and having more administrative structure. In 1926, the American Association of State Highway Officials chose the USDA's six-pointed shield as the badge for national routes designated not with names but numbers. Arteries running east/west would carry even numbers; north/south, odd. Numerical designations ending in '0' and '1' would indicate primary routes. The National Road officially became U.S. Route 40.

Under the federal aegis, improvements came rapidly, especially in the 1930s, with the rise of the New Deal, whose programs included road maintenance that encouraged use and development along the National Road. During the Depression, the U.S. Resettlement Administration assigned artist Ben Shahn to photograph Route 40's people and places. Shahn's portfolio depicts a neatly paved brick and concrete road with early examples of the billboards, service stations, and motels that have figured in highway life since.

This second heyday of the National Road was almost as short-lived as the first. After World War II, with development of the interstate highway system, Interstate Highways 70 and 68 assumed the National Road's role in long-distance travel. However, the interstates mostly parallel the National Road, and the original route remains along much of its length. The National Road abides, carrying travelers over ground trod by horses and oxen pulling Conestoga wagons and stagecoaches along America's first great highway. ★

Same As It Ever Was

Certain tasks remain essentially unchanged when it comes to roadbed maintenance. Top right, a Zane's Trace mile marker in Ohio. Bottom right, aptly named Crossville, Tennessee.





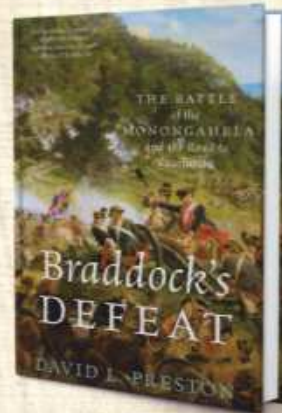
Road to Nowhere

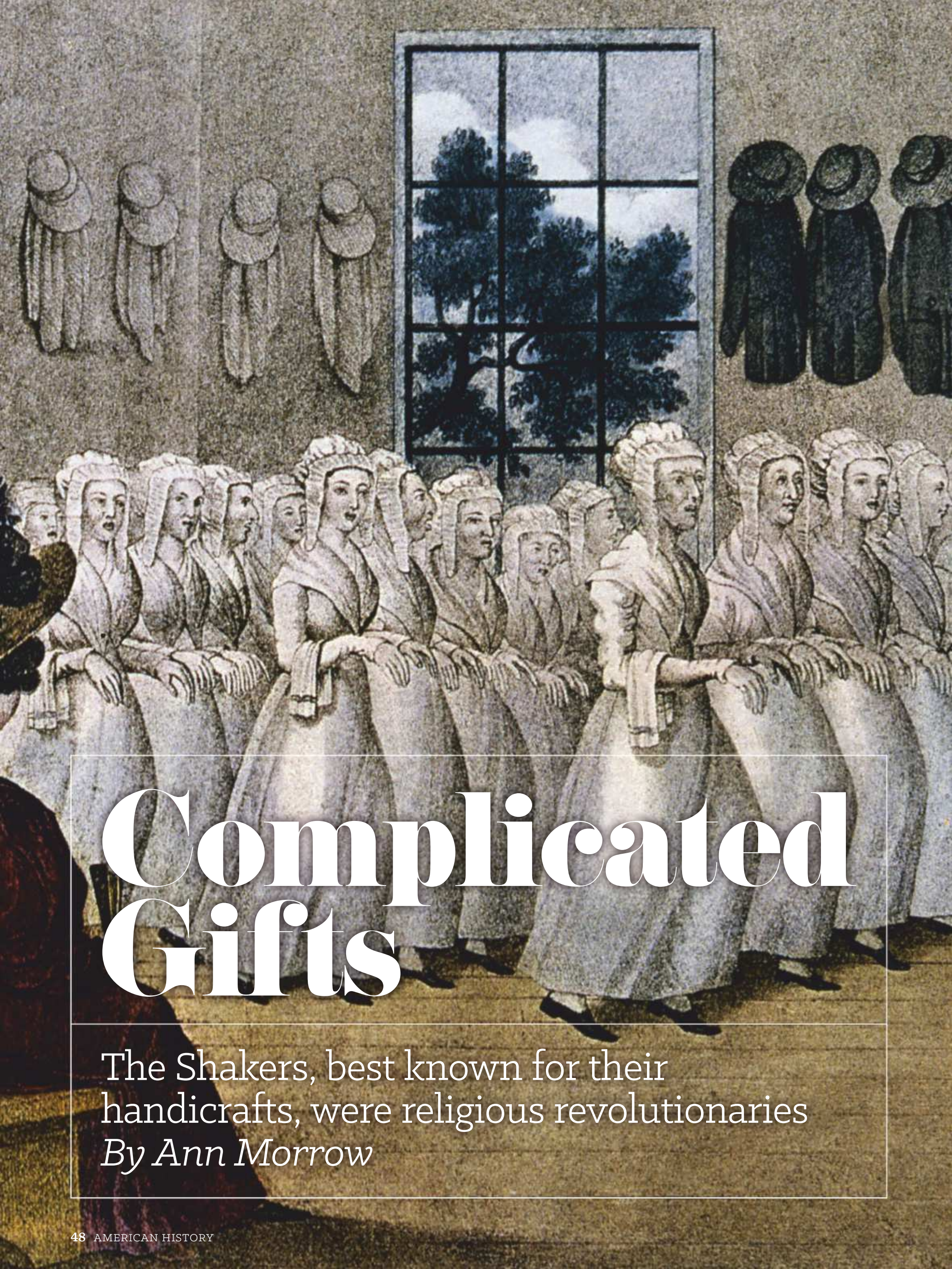
In 1755, a British force left from Alexandria, Virginia, to attack French Fort Duquesne. Major General Edward Braddock and his troops built the first leg of what is now the National Road. In *Braddock's Defeat: The Battle of the Monongahela and the Road to Revolution*, historian David Preston addresses that project:

...Braddock's Campaign was unprecedented for its mountainous character—"surely such a one was never undertaken before," Major William Sparke believed. The first challenge was conquering the Appalachian Mountains and the nearly 125 miles between Forts Cumberland and Duquesne. Men and horses would face exhaustion and defeat at the hands of geographical forces, even before they might challenge French and Indian foes. It is difficult to exaggerate the power required to overcome these obstacles. The weapons were axes, shovels, whipsaws, wagoners' whips, block and tackle, and blasting powder. The mountains, rocks, boulders, forests, ascents, descents, rivers, streams, and swamps that these men and animals confronted must have seemed insurmountable. Traces of Braddock's road are primary sources, testifying to the laborers' toil and engineers' logic. In addition, the British had to be entirely self-sufficient during the march, while taking enough supplies to sustain them once in the Ohio Valley. An eighteenth-century Royal Navy admiral employed a striking nautical metaphor to describe the advance of a British field army into the interior of America: it was like "the passage of a ship through the sea whose track is soon lost." The land, like the sea, threatened to swallow up the army immediately after its departure from Fort Cumberland.

Building a twelve-foot-wide wagon road over the consecutive mountain ridges tapped an extraordinary range of skills and occupations. Sawyers, or "hatchet men," wearing leather

aprons, cut swaths through old growth timber. Blacksmiths were constantly sharpening axes, saws, and tools. Miners used gunpowder to blast through boulders and rocks larger than themselves. Diggers graded and leveled the roads. Teamsters and wheelwrights repaired the wagons' axles and wheels, and British military engineers had to make quick topographical choices as they laid out the road ahead. Each day was an exhausting ordeal of "cutting, digging, and Bridging," and various degrees of blowing rock, as engineer Harry Gordon described the roadwork in his *Sketch of General Braddock's March*. Already a seasoned hand at colonial roadbuilding in 1755, Deputy Quarter Master General Sir John St. Clair knew the importance of tools and the need for lots of them. In April, when St. Clair was working on the roads around Cacapon, a stop on the way to Fort Cumberland, he had had the foresight to write Braddock's aide de camp, Lieutenant Robert Orme, to employ blacksmiths around Frederick, Maryland, to produce more basic tools and equipment that St. Clair knew would be necessary: 100 "felling axes," 12 whipsaws, and three sets of miners' tools for "breaking and blowing rock." After a year's service in America, St. Clair was even more convinced that "the proportion of Entrenching Tools made out for Service in Europe will by no means answer for America." Referring to the paltry number of such tools sent with Braddock's troops from Ireland, St. Clair reminded his superiors that "one hundred felling Axes were sent out Last, when one Thousand would have been too small a number for the work we had to do: digging is the great Work in Europe as cutting is here."





Complicated Gifts

The Shakers, best known for their handicrafts, were religious revolutionaries
By Ann Morrow



Shake It Up

Congregants dance at Mount Lebanon Shaker Village, Lebanon Springs, New York, in 1870.



In the 1980s, commenting on widespread interest in Shaker-made furniture, Sister Mildred Barker, spokeswoman for the sect's last surviving community, quipped, "I almost expect to be remembered as a chair or a table." Sister Mildred, who died in 1990 at age 92, belonged to Maine's Sabbathday Lake Shaker Village, the oldest continuously surviving religious communities in the United States.

Shakerism was the most successful and enduring of many social experiments that flourished in 19th century America. A sect of radical mystics from England seeking to emulate Christ, the Shakers crossed the Atlantic to flee "the evils of the World." In America, they lived communally in self-sustaining villages, practicing gender and racial equality and humane treatment of animals. Shakers freed slaves, raised orphans, and cared for the infirm. Throughout the sect's history a demand that members forswear sex has made the Shakers both notorious and rare. For more than a century, their calling card in the larger culture has been appreciation for the things they made, exemplified by oval bentwood containers called Shaker boxes. Shakers are scarce—as of publication, two remained. However, the Shaker legacy still exerts incalculable influence, and the sect has outlived more than one party who predicted its extinction.

Coffee table books and museum catalogs illustrate and explain Shakerism—an irony, since the faith's founder, Ann Lee, an illiterate, eschewed written interpretation of her sect's beliefs. The material world held little interest for the working-class prophetess, and one of the faith's strongest principles is the relinquishing of personal possessions. Meanwhile,

huge sums now go to purchase original chairs, candle stands, cupboards, and other handmade objects that have come to represent "Shaker" as an aesthetic.

"Hands to work and hearts to God" is Ann Lee's best-known dictum. In striving for heaven on earth, generations of Lee followers practiced perfectibility in objects they crafted, buildings they constructed, and farms they tended. Forgoing ornamentation, these mostly anonymous artisans devised an austere style that became universally admired and imitated even as the Shakers themselves dwindled into obscurity.

Shakerism began near Manchester, England, in the 1700s among Protestant dissenters who rejected liturgical traditions to seek a more intuitive understanding of God's will.

These seekers believed firmly in the Second Coming of Jesus Christ. Townsfolk derided them as "Shaking Quakers" for the way they were inclined to tremble as the spirit moved them; the term soon shrank to the informal "Shakers."

The group's leaders, Jane and James Wardley, who were tailors by trade, may have been Quakers. Jane Wardley had prophetic visions and preached that in his return Christ would take the form of a woman.

Anne Lees—she dropped the "s"—was the first or second of eight children born into poverty in Manchester in 1736. Her father was a blacksmith.

In a squalid flat on Toad Lane the girl watched her mother weaken giving birth to one child after another; she is believed to have died in childbirth. According to later Shaker hagiography, Lee castigated her mother for giving in to "lustful gratifications."



Founder & Followers
Top, Shakers in 1885 at Sabbathday Lake;
Mother Ann Lee portrayed in an 1860s magazine about phrenology.

The girl worked on a cotton loom, and then as a velvet cutter and a hatter. She was devoutly religious with mystical tendencies, typical of the 18th century, an age rife with ecstatic spirituality, collective and individual, and expressed by visions, prophecies, and other experiences. Spontaneous talking in tongues, convulsive fits, swoons, and other manifestations of spirit possession were prevalent during Lee's youth. Her young adulthood saw much economic change, as Manchester evolved from market town to industrial center. Factory owners made enormous profits; workers lived abysmally. Many in the region believed the world was about to end.

In 1758, Lee, 22, joined the Wardleys and their small band of "Believers." Lee had been experiencing a despair that deepened after she reluctantly married blacksmith Abraham Stan-derin. Bearing four children, all of whom soon died, she stopped having sex with Abraham and involved herself more with the Wardleys, agitating enthusiastically when the group disrupted local congregations to denounce the Anglican Church as corrupt. Authorities fined and sometimes arrested Believers for blasphemy. Behind bars, Lee had visions of Christ and a revelation that convinced her that coitus was "the prolific source of evil." Many mystical sects proselytized for celibacy, but Lee's zeal and charisma as an advocate were galvanizing. She saw herself as a vessel of the Second Coming. "It is not I who speaks, it is Christ who dwells in me," she said. The Shakers came to believe in Christ's communion with "Mother Ann," as she became known, fulfilling God's duality by being both masculine and feminine. The sect's vow of celibacy—initially a voluntary commitment; in the early days, families could join—made conversion a tough sell, but Mother Ann continued to preach repentance through confession, celibacy, and pacifism. Angry crowds beat and stoned her as a witch for endorsing female emancipation.

The Wardleys' circle consisted mostly of artisans and laborers. James Whittaker, a weaver, had a revelation. "I saw a vision of America," Whittaker wrote. "And I saw a large tree, and every leaf thereof shone with such brightness as made it appear like a burning torch, representing the Church of Christ, which will yet be established in [that] land." In summer 1774, Whittaker, Ann Lee, her husband Abraham, her brother William, and five other Believers boarded a

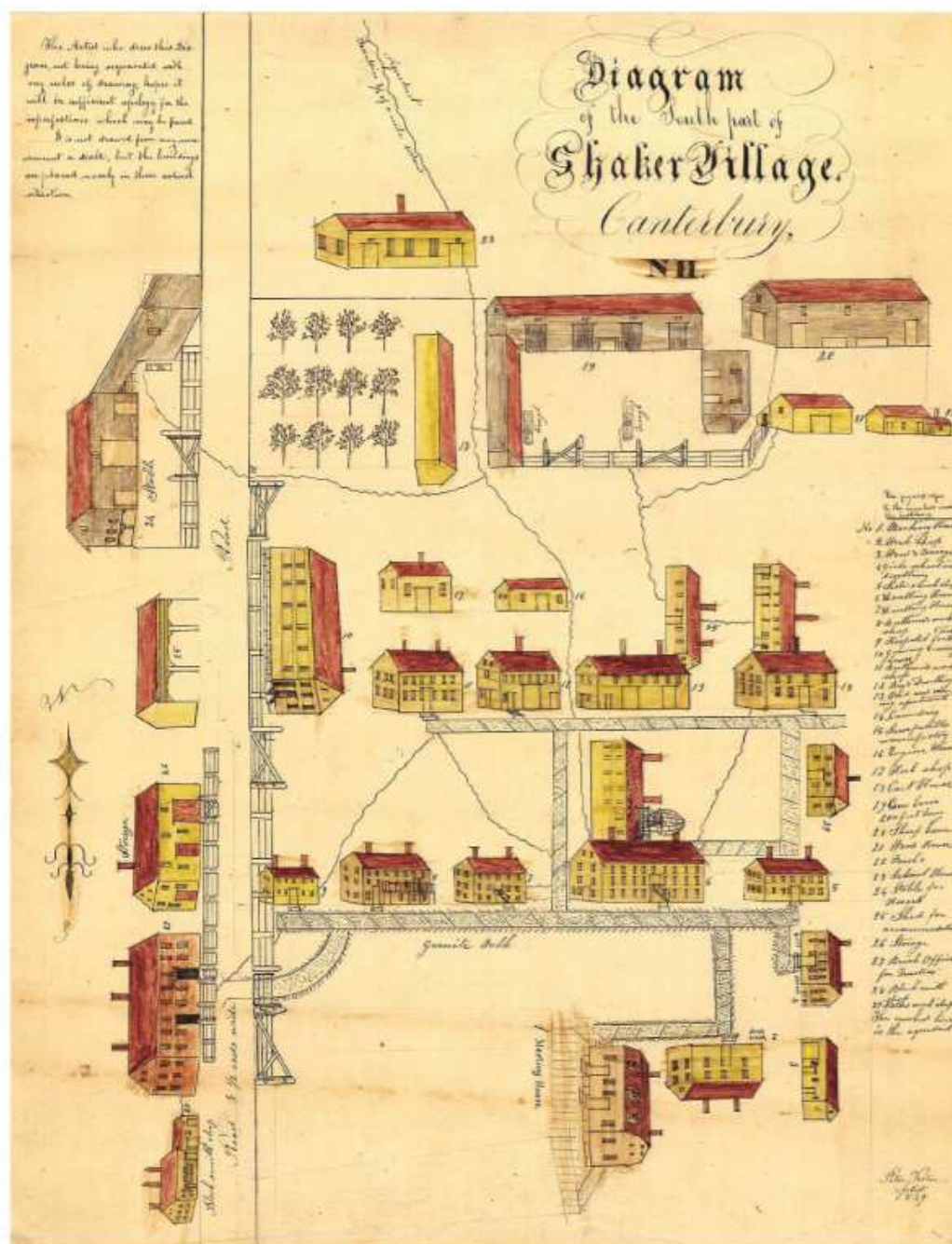


Order from Chaos
Dance; below, Shaker Village, Canterbury, New Hampshire.

westbound ship at Liverpool. To a dockside crowd jeering that the rickety packet would sink, Mother Ann calmly replied, "God will not condemn it while we are in it." The vessel survived a battering storm.

At New York harbor, the Believers debarked amid a growing rebellion. They separated to find work, not regrouping until months later, when several of the faithful settled a swampland northwest of Albany that had been part of a Dutch manor. Lee stayed in New York City with her husband while their comrades drained the bog, which Indians called Niskeyuna and the Dutch, Watervliet. The Believers christened their parcel Wisdom's Valley. Abraham deserted Ann, who came north to join the group, now living in a rough cabin. "The outpouring of the Holy Spirit upon honest, prayerful souls served as the only guide," a Shaker elder later wrote.

Surrounded by wilderness, the Believers could worship with abandon, expressing spirit possession through frenzied





dancing, gyrating, and vocalizing. Years later, a visitor described two young Shaker women whirling “nearly as fast as the rim of a spinning wheel” before joining in a group dance. “This done, several of the young people, both men and women, began to shake and tremble in a most terrible manner,” the witness recounted. “The first I perceived was their heads moving slowly from one shoulder to the other—the longer they moved the quicker and more violently they shook.”

In 1779, curious visitors from east of the Hudson River came to Wisdom’s Valley to learn more about the community. This interest encouraged Ann Lee, her brother William, and Whittaker to travel eastern New York and New England, preaching. Along with hostility the trio encountered flickers of the Great Awakening of the 1740s, a time of Protestant revivalism in the Northeast. Members of other sectarian societies voiced sympathy for Shaker doctrine. An early American convert was Joseph Meacham, a leader of the millennialist New Light Baptists in New Lebanon, New York, near the Massachusetts border.

Visitors, pious or curious, began attending Shaker services at the rudimentary farm in Watervliet. Word spread of these “strange and wonderful Christians,” as a Meacham biographer described them, but the sect also attracted harsher attention. Locals distrusted the unconventional folk from Britain who refused to fight for the patriot cause, arresting Shakers for being Tory sympathizers.

Lee was held weeks longer than others until Whittaker appealed to Governor George Clinton, who freed Lee “due to lack of any treasonable evidence.”

In 1782, Ann Lee, William Lee, and Whittaker walked hundreds of miles to preach the gospel while enduring abuse and violence. The sect’s insistence on sexual abstinence led critics to paint the Shakers as foes of family life. At Harvard, Massachusetts, the trio drew large crowds—and was run out of town

with whips and clubs. Mother Ann was 48 when she died at Watervliet in 1784. When the Marquis de Lafayette, pursuing an interest in mesmerism, or hypnosis, visited the farm three weeks later, he encountered almost 150 Believers worshipping in a wooden hall. The seeds of a new faith had been sown.

Whittaker and Meacham started a second Shaker settlement in New Lebanon, with a meetinghouse. The white structure had two front doors; one for men and one for women, referred to as Brothers and Sisters. Members donated land and buildings and pooled their resources to buy more property. The expanding community, the Shakers’ first official ministry, was renamed Mount Lebanon. Two more Shaker villages took root—at nearby Hancock, Massachusetts, and in 1782–83 at Sabbathday Lake near New Gloucester, Maine.

Shaker industry was thriving. The Watervliet village had begun selling vegetable seeds and medicinal herbs, earning a tidy profit. Innovators from the first, the Shakers marketed kitchen-garden quantities of seed in paper packets, crafting small crates in which to take their products to farms and stores. The market quickly came to recognize Shaker seeds, herbal remedies, and elixirs for quality and fair price.

After Whittaker’s death in 1789, Meacham, like Mother Ann a charismatic prophet, became first elder. He also had business and administrative acumen and experience. When he chose as co-elder Lucy Wright, a companion of Ann Lee’s, grumblings and defections ensued, but Wright, like Meacham a highly capable New Englander, won over skeptics by successfully managing the sect’s 1805 expansion into the Ohio River Valley.



Mindfulness
The village at Lebanon, New York, was a font of industry.

Communal living conferred benefits: converts supplied a dedicated labor force and donated such assets as they had, allowing for mill construction and equipment purchases. Soon there were 11 Shaker villages, each with a dining hall requiring tables and dozens of chairs, and dwellings needing



Artfulness and Godliness
Shaker design combined function and form into simple but effective, efficient, and graceful artifacts.

beds, cupboards, and candle stands. Members made these furnishings from local pine, maple, cherry, and birch, wove cloth of wool sheared from sheep they raised, and sewed clothing. They forged their own tools. In keeping with Mother Ann's teachings, Shaker craftsmen sought perfection in all things, whether a clothes peg or the country's largest stone barn, constructed at Mount Lebanon in 1856.

Early Shaker furnishings consisted of items converts donated, usually in Federal styles that the settlers reconfigured for practicality. Soon Shaker artisans were fashioning streamlined utilitarian versions. Among the sect's earliest endeavors were oval pantry boxes, shaped by steaming and bending hickory strips. By 1796, Mount Lebanon, now the Shaker furniture-making nexus, had a water-driven sawmill.

Unlike similar sects, Shakerism welcomed modernity, implementing and often improving upon technological advances. Shakers get credit for inventing the threshing machine, the spring-loaded clothespin, vacuum-sealed tin cans, an early washing machine, the water turbine, tilt-back chairs, and, most famously, the flat broom. Admiration for their industriousness and probity overcame suspicion and hostility. Shaker services drew large crowds, whether for edification or to hear the inspiring hymns.

Officially titled the United Society of Believers in Christ's Second Appearing, the sect accepted "Shakers," the nickname that had followed them from England. Meetinghouses were large and airy to accommodate physically exuberant worship. Gyrating evolved into ritualized dance routines celebrating obedience rather than individuality. For practicality, Shaker communities sometimes divided labor along gender lines: Women operated the seed and herb businesses, made clothes, and cooked; men were farmers, carpenters, and blacksmiths. Young girls picked flowers; boys sorted broomcorn stalks.

Shakerism reached its apogee after the War of 1812, as

demand for the sect's wares grew as the Shaker reputation for superior products spread.

"Work done by the Sisters: Two thousand palm leaf bonnets made for sale!" a Brother at Watervliet proudly recorded in an 1836 inventory. Baskets woven in a distinctive diagonal twill pattern became an important line. Applesauce sold by the barrel. Sales routes for garden seed, dried herbs, and corn brooms stretched across the country. Brothers steering wagonloads of goods would be on the road for weeks.

Shakers bought enslaved Africans in order to free them. Sister Rebecca Jackson, a free African-American at Watervliet, was made eldress at a time when leadership roles for black women were unheard of.

Commercial success underwrote charity work. During an 1830s cholera epidemic in New York City, Shaker villages sent wagon trains of provisions to the hard-hit metropolis. Recessions in the larger society brought "the World's people," sometimes entire families, knocking on Shaker doors and seeking support. In an era with no social welfare, the sect functioned as a refuge for orphans, widows, unwed mothers and others in need. Anyone willing "to bear the cross of a celibate life" and to live in love and peace "out of the common course of the world" could sign the covenant to become a Shaker.

At age 16, youths raised in the faith had the choice of joining the Shakers or leaving for the secular world. In what was essentially an apprenticeship program the Shakers also trained youths in trades. Completing their indentures at 21, many of these young men, to the Shakers' personal sadness and practical frustration at losing these workers and their contributions, left the shelter of the sect to re-enter the material world. Women were likelier to remain members than men.

Along with creating artworks inspired by spiritualism, Shakers composed hymns like "Simple Gifts," written in 1848 by elder Joseph Brackett, whose father's farm was part of a



Sisters at Work
Shakers sometimes divided labor according to gender.



No Detail Too Small
*Even a straw hat or a
 peg on which to hang
 it could bespeak the
 Shaker ethic.*

Shaker village in Maine:

*'Tis the gift to be simple, 'tis the gift to be free
 'Tis the gift to come down where we ought to be,
 And when we find ourselves in the place just right
 'Twill be in the valley of love and delight.
 When true simplicity is gained,
 To bow and to bend we shan't be ashamed,
 To turn, turn will be our delight,
 'til by turning, turning we come 'round right.*

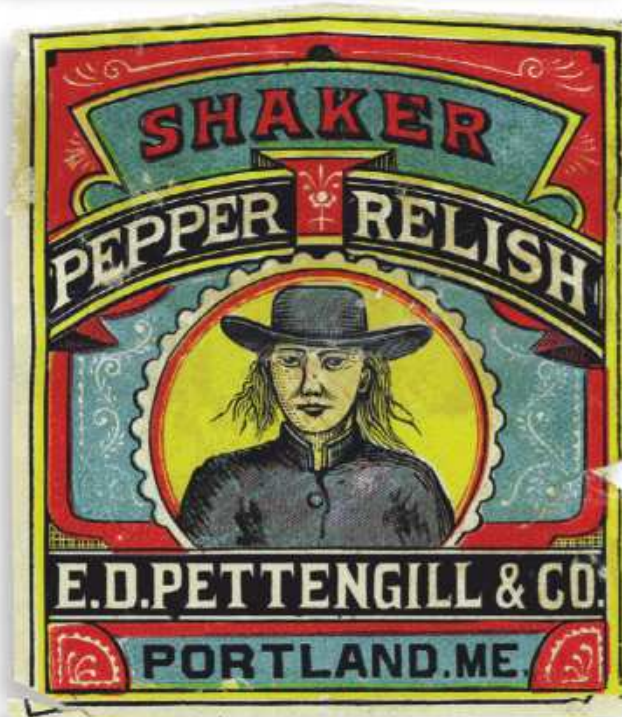
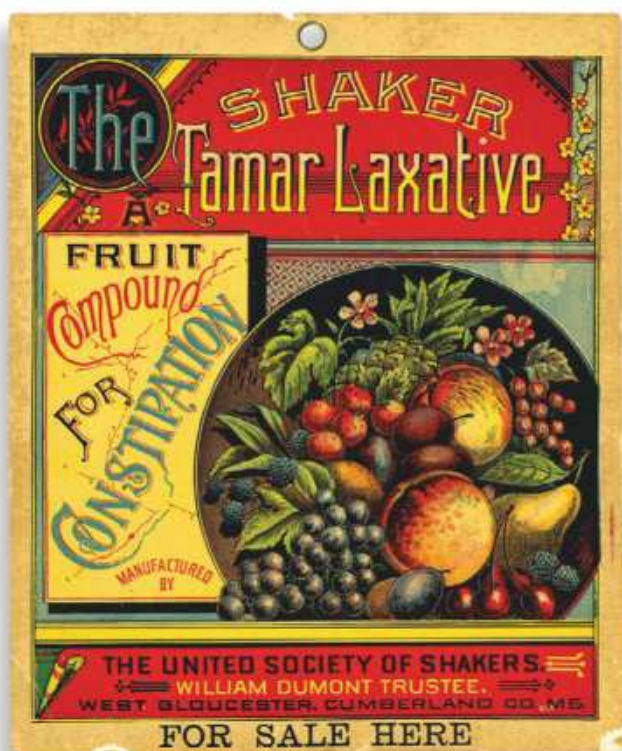
Across their historical span, Shakers numbered almost 20,000 in 19 settlements in New York, Massachusetts, Connecticut, Maine, New Hampshire, Ohio, Kentucky, and Indiana. At Mount Lebanon, the largest village, 600 Believers occupied 150 buildings on 6,000 acres. Mother Ann's influence reached beyond the Shakers to reformers as diverse as manufacturer and communitarian Robert Owen and socialist philosopher Friedrich Engels. As the villages prospered, the founders' directives were codified, including a design philosophy for Shaker craftspeople. This serenely linear style, widely recognized as the forerunner to the "form follows function" aesthetic, did not preclude subtle touches such as the curved slats on ladder-back chairs, knobs painted a shade to contrast with drawers, and Shaker boxes' swallowtail joinery. "Skilled Shaker artisans working together over many years constituted a craft guild possibly unmatched at the time," wrote historian Stephen J. Stein.

After 1860, however, Shakerism spiraled downward. The Civil War fatally disrupted agricultural sales. Following the war, young men left farming and the trades for factory jobs or to go west. Secularism swept the nation, discouraging conversions. "The sect was the product of an age that was passing," wrote Shaker historian Edward Deming Andrews. "Such principles as submission to authority, the abnegation of self, and communal ownership had diminishing appeal in a country glorifying liberty and the individual or corporate acquisition of property." New humanitarian

Living in Community

*From bottom, attic of a home in Hancock,
 Massachusetts; Shakers; kitchen at South
 Family Dwelling House, Watervliet, New York.*



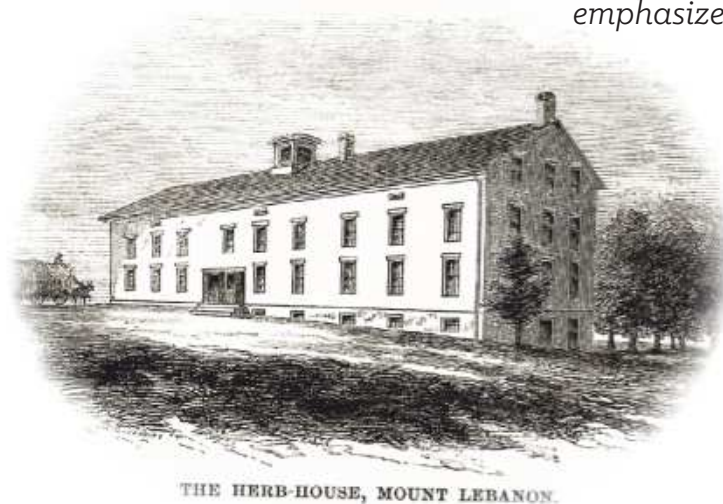


Avatars of Commerce

Shaker marketing pioneered in developing attractive packaging aimed at consumers.

Exemplar

Shaker architecture emphasized simplicity.



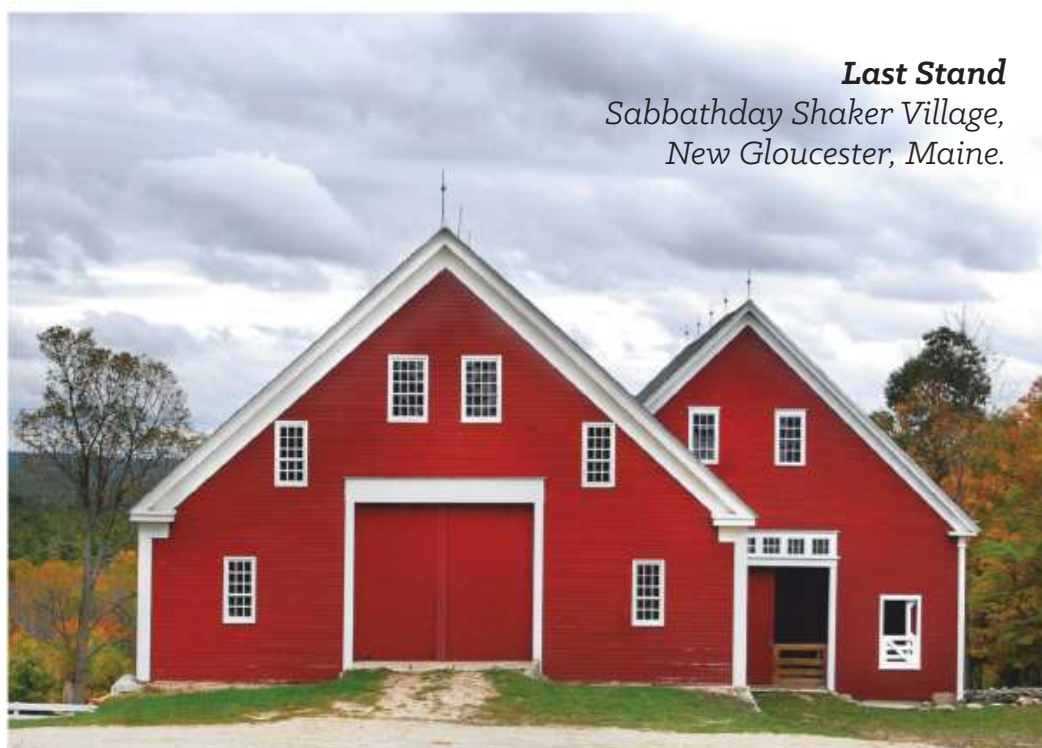
efforts such as the Children's Aid Society reduced the number of children placed with Shakers. In rare instances, Shaker women who became pregnant had to leave the sect and their communities. The celibacy mandate combined with the drop in conversions to reduce villagers' ranks.

Shakerism became a society of elderly women. One by one the villages closed—Harvard in 1917, Watervliet in 1938, Mount Lebanon in 1947. Yet interest in Shaker culture grew, augmented by nostalgia for the virtues they embodied, such as simplicity, honesty, and self-sufficiency. Shaker artifacts came to the attention of folklorists and collectors. In 1944, composer Aaron Copland adapted the Shaker hymn "Simple Gifts" as a theme in his score for the Martha Graham ballet "Appalachian Spring." Since then the song has become a standard of American folk music.

Shaker-made objects bring tens of thousands of dollars at auction, and 10 Shaker villages have been restored as heritage museums, including four National Historic Sites: Mount Lebanon; Hancock, Massachusetts; Canterbury, New Hampshire; and Pleasant Hill, Kentucky. Sabbathday Lake, historically the smallest and poorest eastern village, is the only active Shaker community, with two members: Sister June Carpenter, 79, and Brother Arnold Hadd, 61. And outside Colonie, New York, a suburb of Albany, the grounds of the original Shaker settlement, now Watervliet Shaker National Historic District, includes the gravesite of Mother Ann, set amid rows of plain white headstones in the company of more than 400 early Shakers, men and women, rich and poor, European and African. ★

Last Stand

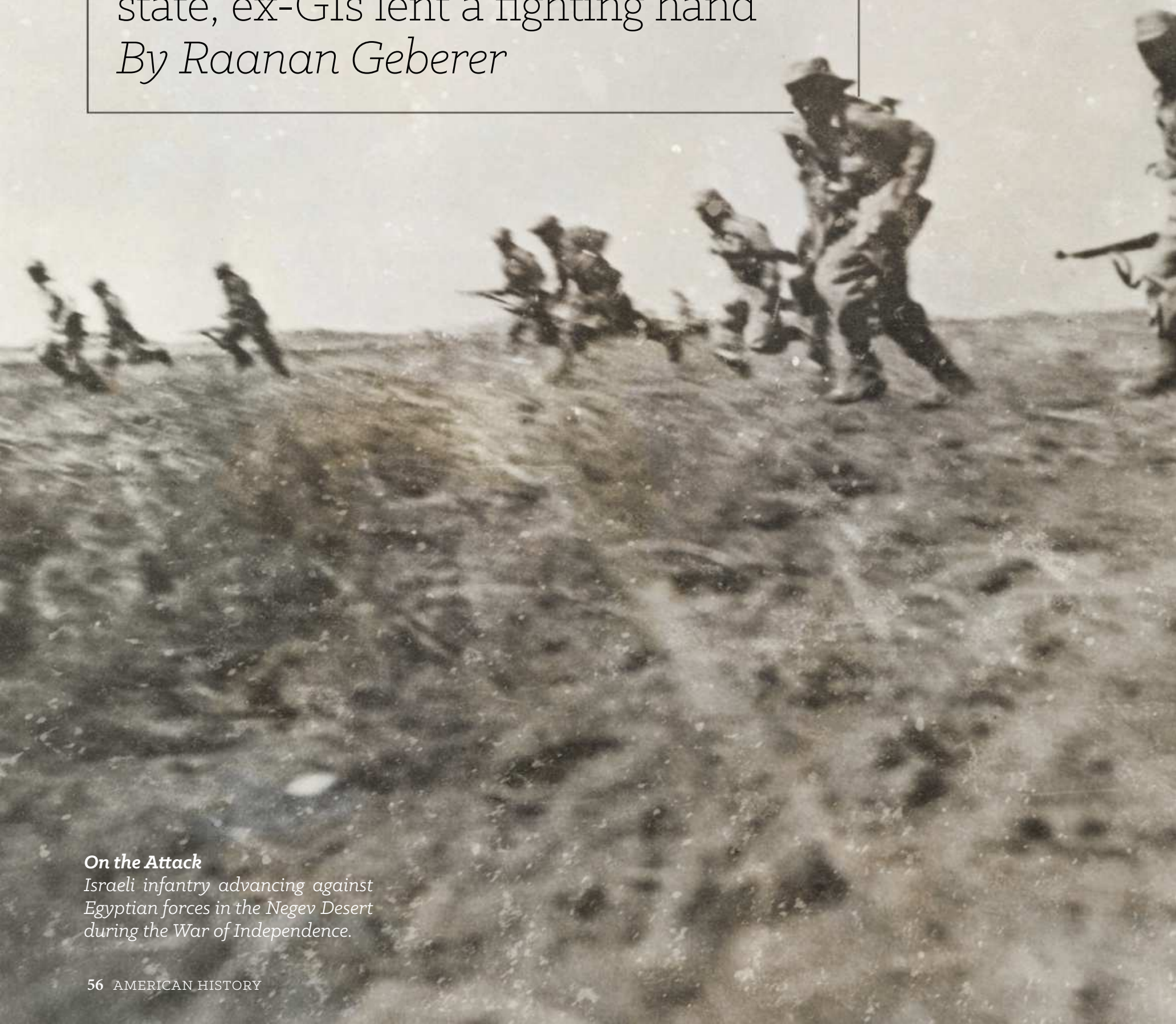
Sabbathday Shaker Village,
New Gloucester, Maine.



YANKS in the IDF

In the 1948 war to establish a Jewish state, ex-GIs lent a fighting hand

By Raanan Geberer



On the Attack

Israeli infantry advancing against Egyptian forces in the Negev Desert during the War of Independence.





Man of the Air
Fighter pilot Lou Le-
nart and his S-199.



Combing for Contraband
British paratroopers search
the belongings of illegal Jewish
immigrants at Haifa in 1947.



All Aboard
Men bound for Israel aboard
Marine Carp prepare to sail
from New York, May 4, 1948.

In 1945, amid revelations about Hitler's Final Solution for Europe's Jews, many Holocaust survivors emigrated to the United States. Others, convinced of the need for a Jewish homeland, clamored to go to Palestine. That region, bounded by Egypt, Syria, Lebanon, and Trans-Jordan, comprised most of the biblical Holy Land. The Muslim conquest of Palestine in the 7th century had left the population largely Arab. In the 1880s, however, Jews from across Europe, weary of persecution and embracing Zionism, a movement espousing the restoration of a Jewish nation, began settling in Palestine.

Over millennia, many nations had controlled Palestine. Since the 1920s, under a mandate from the League of Nations, Britain had been administering the region, trying to maintain peace between Arab and Jew.

In 1948 Jews in Palestine declared a land of Israel there. War broke out as adjoining Arab states arrayed their armies against the new state. The fledgling Israel Defense Forces, which came to total nearly 118,000 troops, included some 1,250 Americans, mostly World War II veterans.

Under League of Nations Mandate governance, Palestine had been a cultural and political powder keg, with British authorities constantly snuffing fuses lit by Arabs, the region's majority, and Zionist militias—the *Lehi*, or Stern Gang, the

Irgun, and the *Haganah*. The first two were rough-and-tumble guerrilla fighters, the last a more mainstream creation of the Jewish Agency, the unofficial government of Jewish Palestine. In 1939, seeking to cosset its Arab allies in the Middle East, Britain set quotas on Jewish immigration. Jewish activists countered by sending toward the region shiploads of European refugees—a Haganah operation, known as *Aliyah Bet*, or “plan B”, that recruited American volunteers. World War II interrupted that flow, which resumed in 1945, with the Royal Navy intercepting most *Aliyah Bet* vessels before they could land. In Palestine, the Stern Gang, the *Irgun*, and the Haganah were conducting irregular operations against British forces and Arab opponents.

By 1947-48, Zionism was enjoying increasing support in the United States. The first North American volunteers to put themselves on the line numbered about 240. These Americans and Canadians helped man *Aliyah Bet* ships, many of them acquired in the United States by F & B Shipping, a Haganah front whose initials stood for “F___ Britain.”

One of these seamen was Paul Kaye, a Jewish U.S. Navy veteran who was living in New York when he answered his phone to hear a voice he did not recognize. “We would like to know if you would like to help your people,” the caller said. “Be on the corner of 39th Street and Lexington Avenue on



Each in His Own Way

Mobster Bugsy Siegel, at left in a 1928 mug shot, supplied cash by the suitcase full to support the fight. Si Spiegelman, below, at outpost Tel Radra outside Jenin, contributed more directly.



Thursday at 4 p.m. You'll see a man with a black leather jacket. If he puts a newspaper under his arm, follow him. If he throws it out, walk away—you're being followed." Kaye followed instructions, watching his contact until the man put a newspaper under his arm. Following the fellow into a building, Kaye found himself face to face with a third man. "We would like you to run small ships between Cyprus and Palestine," the recruiter explained. "If the British catch you, they'll hang you." "Let's go!" answered Kaye. Kaye's first berth was *Hatikvah*—Hebrew for "Hope"—which sailed from Baltimore, Maryland, to board 1,500 Holocaust survivors at Marseilles, France, then make a run at the British blockade. The Royal Navy prevailed. Mandate authorities detained the *Hatikvah* passengers at a camp near Haifa. Kaye escaped to France, where he worked with the Jewish underground.

In 1947, the United Nations voted to partition Palestine into a Jewish state and an Arab state. Arab and Jewish irregulars responded with bombings, sabotage, and ambushes. Arab volunteers from neighboring countries began to enter Palestine and organized into the Arab Liberation Army. In the United States, President Harry S. Truman sympathized with the Jewish cause. However, many high-ranking State Department officials feared recognition of a Jewish state would cause Arab oil-producing nations to restrict oil supplies to the United

States and trigger instability, perhaps boosting the Soviet role in the region. "There are 30 million Arabs on one side and about 600,000 Jews on the other," said Defense Secretary James Forrestal.

In December, the United States embargoed sale of American arms to anyone from Palestine. To maintain a clandestine flow of weapons and matériel to its personnel in Palestine, the Haganah sent emissaries to the United States. Si Spiegelman, born in Belgium and brought to New York as a child refugee, belonged to a religious Zionist youth group. He recalls how, with a friend, he collected military weapons brought home as souvenirs by ex-GIs sympathetic to the cause and shipped them to contacts in Palestine labeled "machinery." In Los Angeles, California, Elihu King, another former Zionist youth group member, wrote in a memoir about degreasing army surplus machine guns for use by Jewish forces in Palestine. American supporters of the Haganah came from all over, including the underworld. Jewish mobster and Las Vegas kingpin Benjamin "Bugsy" Siegel, introduced to a Haganah fundraiser, asked, "Jews are fighting?"

Yes, the Haganah man said.

"Fighting, as in killing?"

Yes.

Satisfied, Siegel supplied cash by the suitcase full.

To recruit fighters, Haganah emissaries set up the group

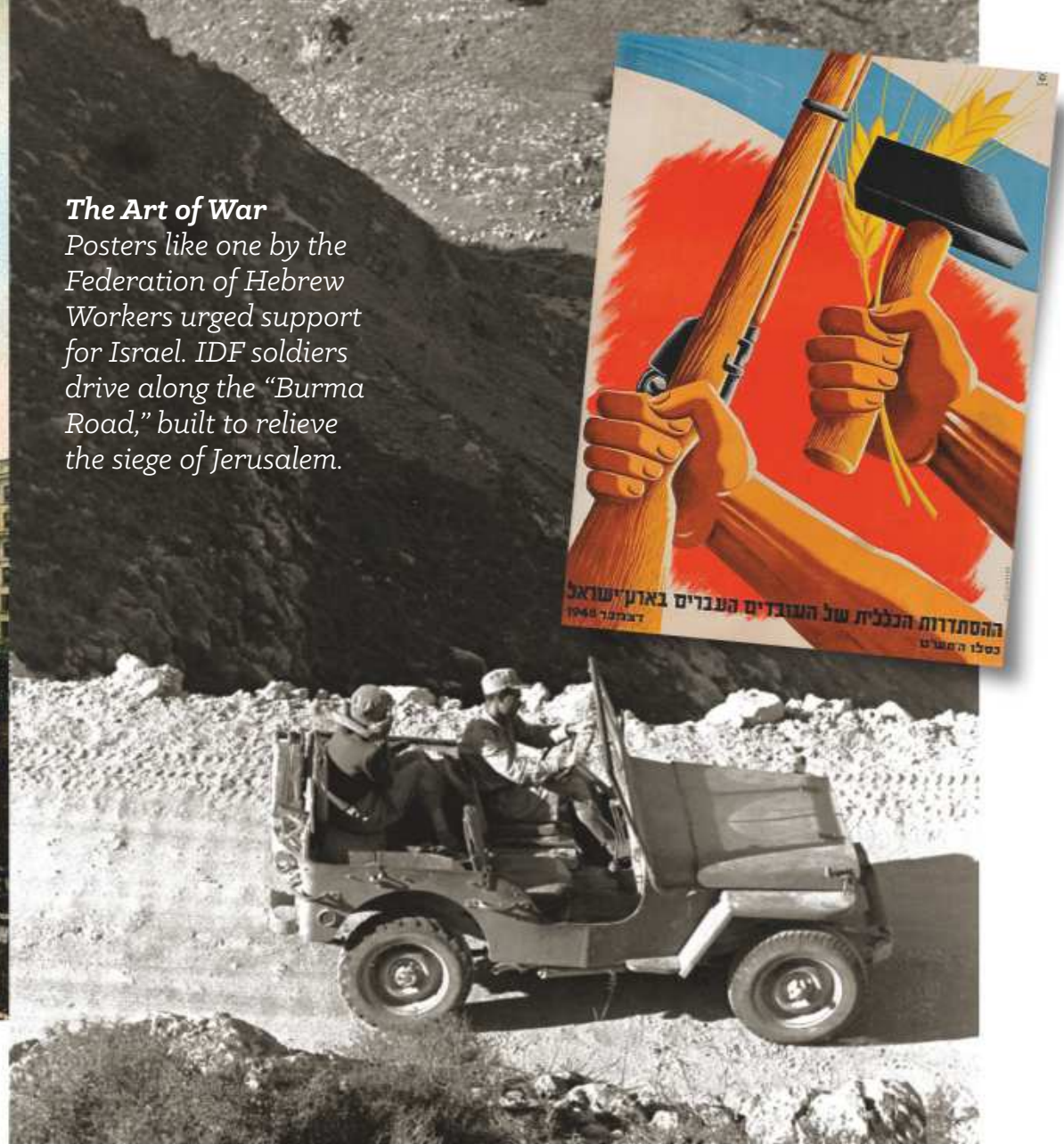


A Place to Call Home

The Breslin Hotel at 1186 Broadway housed Land and Labor's first branch.

The Art of War

Posters like one by the Federation of Hebrew Workers urged support for Israel. IDF soldiers drive along the "Burma Road," built to relieve the siege of Jerusalem.



Land and Labor for Palestine. Officially, Land and Labor was placing American volunteers in industrial and agricultural jobs in Palestine to free resident Jews for military duty; in reality, when Yanks arrived, they went into the IDF. As had been so in the 1930s during the Spanish Civil War, Americans joining this fight were violating a federal ban on citizens participating in combat on behalf of a foreign power. The U.S. State Department warned that those who did could lose their citizenship, although this rarely happened.

Encounters between American Jews and Jews born in Palestine could be tense. The latter, who called themselves *sabras* after a species of desert cactus, stereotyped diasporic Jews in general as timid and complacent and American Jews in particular as whiners. Sabras resented Americans' intense ties to their homeland, insisting volunteers set aside national identity and regard themselves foremost as Jews.

Land and Labor opened its first branch in New York City at the Breslin Hotel. Soon L&L had operations going in all major American cities with large Jewish populations, according to David J. Bercuson in his 1984 book *The Secret Army*. Recruiters often worked through Jewish veterans' organizations, sometimes obtaining lists of Americans who had served during the war and telephoning those with Jewish-sounding names. Merely phoning was risking surveillance and arrest; in 1947-48, American passports bore the message, "This passport is not valid for travel to or in any foreign state for the purpose of entering or serving in the armed forces of such a state."

American volunteers for the war in Palestine sometimes

belonged to Zionist youth groups. These ranged from the socialist *Hashomer Hatzair*, or Young Guard, which espoused a binational Jewish-Arab state, to the right-wing *Betar*, advocate of a Jewish state "on both banks of the Jordan." Others, raised in assimilated families, had had little connection to Jewishness until the war. Women volunteered, usually as nurses. A handful of non-Jews volunteered as well.

Not all American volunteers came through Land and Labor—they joined the Haganah in Europe and in Palestine itself. In 1947, Zipporah Porath, an American, was studying at Hebrew University in Jerusalem.

At a student hangout someone passed Porath a note asking her to set up an appointment with a stranger. At their first meeting, the man asked, "Are you ready to defend Jerusalem?" Eventually, in a high school basement, Porath underwent interrogation and, taking a Bible in one hand and a pistol in the other, recited the Haganah oath of allegiance.

Most recruits passed through the Land and Labor suites at the Hotel Breslin for a brief interview and perfunctory medical exam. Spiegelman recalls that just before he embarked for Palestine, he and other recruits underwent indoctrination at a farm near Peekskill, up the Hudson River from New York City. "The reason they held it there was so nobody would talk—there were no telephones," Spiegelman says. "If they held it in New York City, somebody would have said something." When interacting with the authorities or anyone suspected of snitching, volunteers soft-pedaled information about their destination and reasons for travel. Spiegelman—



Workhorses of the Sky

Left, a C-47 transport. From left, Israeli Air Force fliers Aaron Finkel, Mitchell Flint, Lou Lenart, and Rudy Augarten. Below, former IAF man Milton Rubinfeld, wife Judy; inset, son Paul Reubens, aka Pee Wee Herman.



Wings Over the Desert

In the Israeli fight for independence, American volunteers were key to the air war. Until late 1947, the Jewish state-in-the-making had few pilots and only a handful of small planes. Al Schwimmer, a Trans-World Airlines flight engineer, got into the act when Yehuda Arazi, a Jewish Agency representative, asked for help procuring aircraft. From his work, Schwimmer knew of surplus military planes stored on the West Coast available for sale to any American veteran. He left TWA and moved to California. With Arazi, Schwimmer and Florida-born Irv Schindler, who had ferried planes from the States to Europe during the war, set up Service Airways. The company bought C-46 and C-47 transports and Lockheed Constellations. Schwimmer and compatriots shuttled the planes to New Jersey as the Haganah was setting up an air base in Italy from which to fly to Palestine. In February 1948, Schindler and other volunteers began ferrying Service Airways planes to Europe—duty that included nightclubbing in Rome. In the 2014 documentary *Above and Beyond*, director Nancy Spielberg shows the American airmen in the air and on the town. American authorities' suspicions of a Haganah connection caused the route to the Middle East to meander through country upon country before planes touched down in Palestine. Eventually, the United States moved to impound the Service Airways fleet. However, Schindler, using connections in Panama, formed a new airline, and kept flights going. Pilots also flew C-46s to Czechoslovakia, which had an arms deal with Israel. The Czechs had sold the Israelis 25 Avia S-199 fighters, a variant on the German Messerschmitt Bf-109, and, later on, a large quantity of British-made Supermarine Spitfires. Former U.S. Marine aviator Lou Lenart described the S-199 as "the worst piece of crap I have ever flown," jerry-rigged from wartime parts. Israeli mechanics disassembled

the cobbled-together fighters, packed the components into C-46s, and flew them to Palestine to be reconstituted. The rebuilt planes saw action in May 1948. Egyptian forces were 30 miles from Tel Aviv, making their way north until Lenart led a flight of four S-199s on a bombing and strafing run that surprised the Egyptians, who had thought the Israelis had no air power. The next day, American pilot Milton Rubinfeld, who like many of his dual-allegiance compatriots spoke no Hebrew, was flying in tandem with Israeli pilot Ezer Weizmann. When the two attacked an Iraqi column in north-central Israel, unfriendly fire disabled Rubinfeld's S-199. He had to bail out over the Mediterranean. In the water Rubinfeld extricated himself from his plane and began swimming toward shore. Armed kibbutzniks there, mistaking him for an Arab, opened fire. "Shabbos!" Rubinfeld shouted, exclaiming the Yiddish for Sabbath. "Gefilte fish!" Hearing familiar words, his attackers put down their rifles and rescued him. In time Rubinfeld returned state-side, where his son Paul changed the family name to Reubens, became a comic actor, and achieved fame as Pee-Wee Herman. —Raanan Geberer



The Men to See

Left, Israeli fighter pilot Ezer Weizman and an Avia S-199. TWA flight engineer Al Schwimmer was instrumental in putting Israeli pilots aloft.



Life During Wartime

Left, shelled transport Jabotinsky burns off Tel Aviv June 27, 1948. Far right, Lieutenant Colonel Moshe Dayan and IDF colleague bid Mickey Marcus farewell.

whose parents had lived in Poland before they moved to Belgium, where he was born, eventually escaping Europe and coming to New York—had obtained a Polish passport that circulated among shipmates. To avoid snags over their country's ban on serving in a foreign military, as American volunteers boarded ship they surreptitiously passed the Polish identity card hand to hand, each in turn presenting it.

Typically, volunteers reached Palestine through Marseilles, France. Early arrivals sailed to Haifa aboard *Marine Carp*, a former Liberty ship. Elihu King remembered the accommodations as “frugal”—women slept six to a cabin; men, in huge compartments full of bunks. *Marine Carp* was en route in May 1948 when Israel declared statehood and surrounding Arab countries, along with Saudi Arabia, declared war. When *Carp* docked at Beirut, Lebanon, Lebanese troops imprisoned the ship's Jewish male passengers.



Accidental Martyr

West Pointer David Marcus died June 10, 1948, when an IDF sentry shot him by mistake.

At Haifa, Spiegelman and companions underwent a few days of “sketchy” military training. Trainers issued them uniforms or parts of uniform and offered rudimentary instruction in Hebrew, Israel's official language. The Haganah was now the Israel Defense Forces. Some IDF units were heavy with English speakers—mainly Americans, Canadians, and South Africans. “If you wanted an English-speaking unit,” said Spiegelman, “you went to the 72nd or 79th Battalion.” In *Machal: Overseas Volunteers in the Israel's War of Independence*,

author Yaacov Markovitzky reports that in summer 1948 the 7th Armored Brigade had 170 English-speaking volunteers, a tally that by October was nearing 300. Canadian WWII veteran Ben Dunkelman commanded the brigade, which as soon as Israel declared statehood saw plenty of action, since five Arab armies had invaded the new state from many points on the compass. When Operation *Dekel*—“Palm Tree”—in July resulted in the capture of Nazareth from the Arab Liberation Army, Dunkelman refused to obey orders to expel Nazareth's Arab residents. In October's Operation Hiram, the 7th and other brigades captured the Upper Galilee from the Arab Liberation Army and a Syrian battalion. In the aftermath of Hiram, allegations arose of atrocities against Arab civilians, especially at Safsaf, where more than 50 villagers died; IDF inquiry results remain classified.

Americans could be found almost everywhere in the IDF (See “Wings Over the Desert,” p. 61, and “Brothers in Arms,” p. 63). Spiegelman joined a unit that fought in the *Bet She'an*, an area in northeast Israel. After serving aboard two clandestine refugee ships, Paul Kaye joined an underwater demolition team in the fledgling Israeli navy. During the siege of Jerusalem during the first half of 1948, residents of Jewish west Jerusalem, cut off from the rest of the country by Arab forces, lived on canned sardines, powdered milk, and crackers. Ziporah Porath was a nurse and medic in besieged Jerusalem. Elihu King, after rotating through several units, ended up in the Negev Brigade, named for the desert where it fought the Egyptian Army.

American volunteers encountered problems expected and unexpected—such as friction with the military establishment, going unpaid, fluid policy toward them and their role, and not knowing Hebrew. To integrate them, the IDF set up the *Mahal*—or *Machal*—division, named for a Hebrew acronym meaning “Overseas Volunteers” and dedicated to smoothing the way. *Machal* published newspapers and training materials in English, French, and other languages and opened a social center in Tel Aviv where volunteers could meet.

The best-known American volunteer may have been David “Mickey” Marcus. A West Point-educated New Yorker who served as a U.S. attorney in his hometown in the 1930s, Marcus, a colonel in the U.S. Army, was an advisor at the Allied conferences at Teheran, Yalta, and Potsdam. In late 1947, the Jewish Agency recruited him. Though he spoke little Hebrew, Marcus wrote training manuals for the Haganah and the IDF and in the Negev Desert formulated a small-unit doctrine that focused aggressive nighttime hit-and-run tactics against a well-equipped Egyptian army. Marcus helped break the Arab siege of Jerusalem by supervising construction of the “Burma Road,” a bypass around Arab positions that reconnected the city with the rest of the country. In May 1948, the IDF made Marcus a general. He located his headquarters in a former monastery near Jerusalem. Late on June 10, Marcus, draping himself in a white blanket against the evening chill, told the sentry on duty he was going for a stroll. The general was in uniform but wearing no insignia. While Marcus was out, the sentry he spoke to went off duty, replaced by an 18-year-old who only spoke Hebrew. Seeing a figure dressed like an Arab approach, the young soldier asked in Hebrew for the password. Marcus answered in English.

The sentry fired a warning shot. Marcus ran for the monastery, prompting the sentry and other soldiers to fire, killing their commander. Marcus is buried in the cemetery at the U.S. Military Academy at West Point, New York.

In March 1949, Israeli forces secured the southern Negev, ending the war, during which 119 overseas volunteers, 40 of them North Americans, had died. Surviving American volunteers mostly returned home—some satisfied at having helped birth Israel, others wincing at the culture clash they had encountered fighting on behalf of a Jewish state.

For years, Israel did little to recognize foreign volunteers who served in the War of Independence. The country’s leaders emphasized self-reliance, a stance at odds with accepting help from abroad. But in 1993, at Sha’ar Hagai, near the old Burma Road, Israeli officials dedicated a monument honoring the overseas volunteers killed in Israel’s struggle for survival. The story of 1948’s American volunteers is carried on by the American Veterans of Israel Legacy Foundation, whose ranks include a dwindling number of veterans and family members and which maintains a virtual museum at israelvets.com. ★



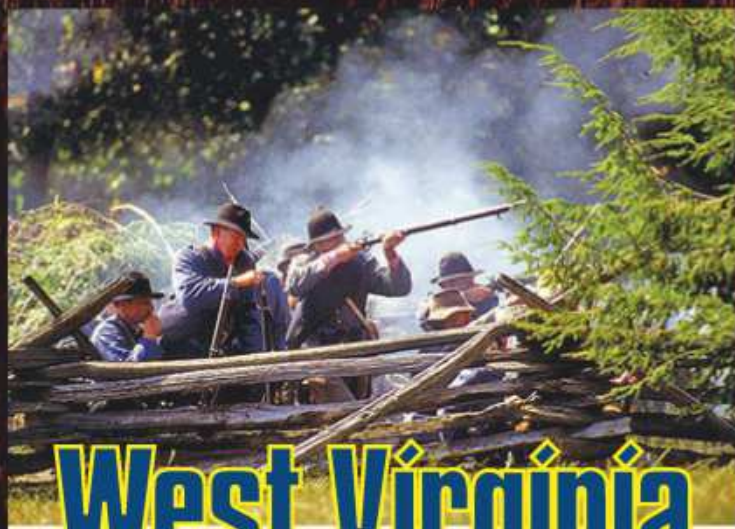
Harlow Geberer, left, and Milton Geberer at Milton’s hachsharah, or kibbutz training farm, Hightstown, NJ, around 1940. Milton was planning on going to Palestine even before WWII.

Brothers in Arms

My father’s name was Harlow Geberer. He and his brother Milton were born in the Bronx, New York, in 1922 and 1920 to Benjamin and Minnie Geberer, who had emigrated to the United States from Romania. The boys had a sister, Beatrice. Milton, who in his teens joined a left-wing Zionist youth group, briefly attended college, but at a young age married and became a father. He studied Hebrew and Arabic. During World War II he served in the U.S. Army Signal Corps. Harlow also joined up, becoming a sergeant in the military police and participating in the Normandy invasion. After the war, Harlow became involved in a Zionist group, among whose members he met my mother. In 1947, traveling aboard the vessel *Marine Carp*, Milton and family moved to Jerusalem, where he worked in the Jewish Agency publications department. When the war for independence started, Milton joined the Haganah, which prized his language skills and promoted him to major. In May 1948, a reporter interviewed him. “The Arabs are good shots, but lousy fighters,” Milton said. “When we move in, they usually move out, but their snipers hurt us.” On May 17, near the Jerusalem railroad station, an Arab sniper shot him dead. Harlow volunteered in New York and also sailed for Palestine aboard *Marine Carp*. He was at sea when Israel declared independence and troops from five Arab states, including Lebanon, invaded the country. The *Carp* was to dock in Beirut, then sail to Haifa, Israel—but Lebanon was now at war with Israel. The ship’s captain radioed the U.S. consul in Beirut that he had many young Jewish men aboard and feared for their safety. The consul assured him there would be no trouble. At Beirut, officials took the ship’s Jewish male passengers into custody and detained them at Baalbek. The *Carp* then sailed for Haifa. Many suspected the State Department had tipped off the Lebanese. While my father and the rest were behind bars, he learned of his brother’s death. When *Marine Carp* returned to Beirut, authorities ordered the imprisoned volunteers to return home. Some disembarked at Palermo, Italy, and made their way to Israel to fight, but my dad returned to the States. In 1949, he and my mother went to Israel. They stayed a year, but my mother’s asthma landed them back in New York. —Raanan Geberer

AMERICAN *History*

HERITAGE TRAVEL & LIFESTYLE SHOWCASE



West Virginia *Wild and Wonderful*

Known for sublime natural beauty, captivating history and heritage and warm hospitality, West Virginia really is the great escape. Start planning your getaway today.



Visit
Baltimore

Explore the past in Baltimore during two commemorative events: the War of 1812 Bicentennial and Civil War 150. Plan your trip at Baltimore.org.



Sandy Springs, Georgia, is the perfect hub for exploring Metro Atlanta's Civil War sites. Conveniently located near major highways, you'll see everything from Sandy Springs!



History surrounds Cartersville, GA, including Allatoona Pass, where a fierce battle took place, and Cooper's Furnace, the only remnant of the bustling industrial town of Etowah.



Wilmington, NC

Join us for our Civil War Anniversary Commemoration including attractions and tours, exhibitions, memorials and a selection of artifacts from Fort Fisher.



Come to Cleveland, Mississippi—the birthplace of the blues. Here, you'll find such legendary destinations as Dockery Farms and Po' Monkey's Juke Joint. www.visitclevelandms.com



Explore the Natchez Trace. Discover America. Journey along this 444-mile National Scenic Byway stretching from the Mississippi River in Natchez through Alabama and then Tennessee.



Greeneville, TN

Founded in 1783, Greeneville has a rich historical background as the home for such important figures as Davy Crockett and President Andrew Johnson. Plan your visit now!



Rutherford County, TN

Walk where Civil War soldiers fought and died. A short trip from Nashville and a long journey into America's history! Call (800) 716-7560. ReadySetRutherford.com



A vacation in Georgia means great family experiences that can only be described as pretty sweet. Explore Georgia's Magnolia Midlands. ExploreGeorgia.org/MagnoliaMidlands

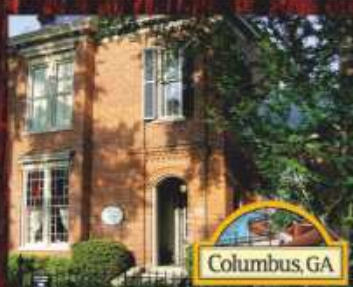


Visit COLUMBUS MISSISSIPPI

Over 650 grand historic homes in three National Register Historic Districts. Birthplace of America's greatest playwright, Tennessee Williams. The ultimate Southern destination—Columbus, MS.



History lives in Tupelo, Mississippi. Visit Brice's Crossroads National Battlefield, Natchez Trace Parkway, Tupelo National Battlefield, Mississippi Hills Exhibit Center and more.



Once Georgia's last frontier outpost, now its third largest city, Columbus is a true destination of choice. History, theater, arts and sports—Columbus has it all.



Explore Maryland with once-in-a-lifetime commemorations—all at one destination. Create your family history by exploring ours. Go to visitmaryland.org to plan your trip today.



The Mississippi Hills National Heritage Area highlights the historic, cultural, natural, scenic and recreational treasures of this distinctive region. www.mississippihills.org



Search over 10,000 images and primary documents relating to the Civil War Battle of Hampton Roads, now available in The Mariners' Museum Library Online Catalog! www.marinersmuseum.org/catalogs



SouthWest MONTANA

Experience the Old West in action with a trip through Southwest Montana. For more information on our 15 ghost towns, visit southwestmt.com or call 800-879-1159, ext 1501



ALABAMA HISTORICAL COMMISSION

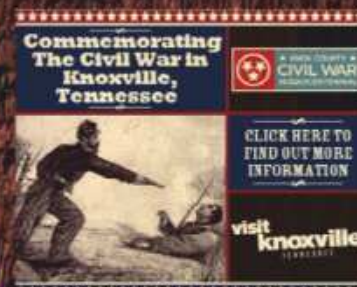
Confederate Memorial Park is the site of Alabama's only Home for Confederate veterans (1902-1939). The museum interprets Alabama's Confederate period and the Alabama Confederate Soldiers' Home.



Experience living history for The Battles of Marietta Georgia, featuring reenactments, tours and a recreation of 1864 Marietta. www.mariettacivilwar.com



Civil War Museum • Kenosha, WI
Through personal stories, interactive exhibits and a 360° movie, the Civil War Museum focuses on the war from the perspective of the Upper Middle West. www.thecivilwarmuseum.org



Join us as we commemorate the 150th anniversary of Knoxville's Civil War forts. Plan your trip today! www.knoxcivilwar.org



If you're looking for an easy stroll through a century of fine architecture or a trek down dusty roads along the Blues Trail, you've come to the right place. www.visitgreenwood.com



Follow the Civil War Trail in Meridian, Mississippi, where you'll experience history first-hand, including Merrehope Mansion, Marion Confederate Cemetery and more. www.visitmeridian.com.



Are you a history and culture buff? There are many museums and attractions, Civil War, and Civil Rights sites just for you in Jackson, Mississippi.



To discover more about Tennessee and to order your free official Tennessee Vacation Guide, visit: tnvacation.com or call 1-800-GO2-TENN



Lebanon, KY is home to the Lebanon National Cemetery, its own Civil War Park, and it's part of the John Hunt Morgan Trail. Visit LebanonKY.com today.



Come to Helena, Arkansas and see the Civil War like you've never seen it before. Plan your trip today! www.CivilWarHelena.com www.VisitHelenaAR.com



Alabama's Gulf Coast

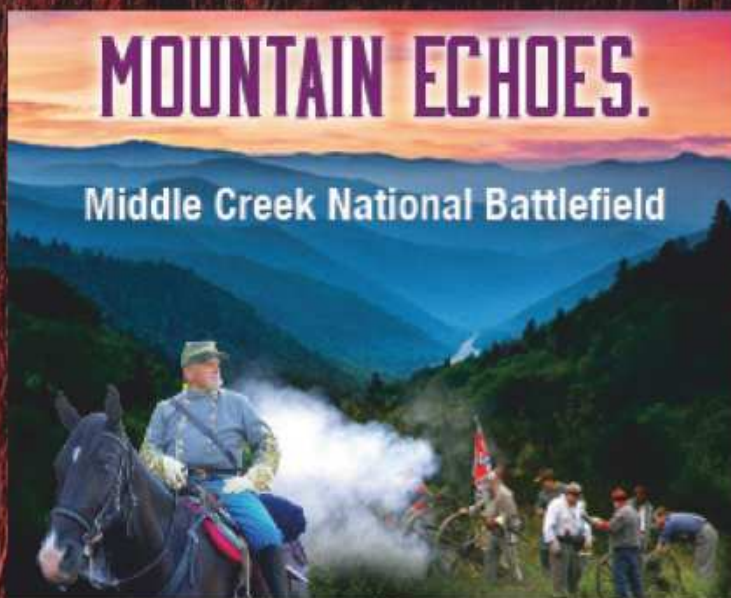
Relive the rich history of the Alabama Gulf Coast at Fort Morgan, Fort Gaines, the USS *Alabama* Battleship, and the area's many museums. Fort-Morgan.org • 888-666-9252



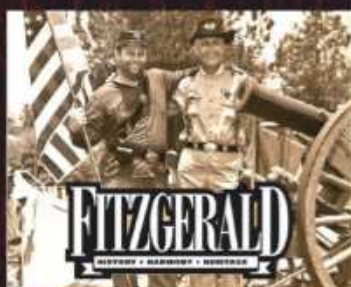
There's no other place that embodies the heart and soul of the True South in all its rich and varied expressions—Mississippi. Find Your True South.



Confederate Memorial Park in Marbury, Alabama, commemorates the Civil War with an array of historic sites and artifacts. Experience the lives of Civil War soldiers as never before.



Prestonsburg, KY has myriad Civil War and history attractions, and reenactment dates at prestonsburgky.org Home to Jenny Wiley State Park, country music entertainment & Dewey Lake.



Fitzgerald, Georgia...100 years of bringing people together. Learn more about our story and the commemoration of the 150th anniversary of the Civil War's conclusion at www.fitzgeraldga.org.

Historic Bardstown, Kentucky



History, bourbon, shopping, sightseeing and relaxing—whatever you enjoy, you're sure to find it in beautiful Bardstown, KY. Plan your visit today. www.visitbardstown.com



Treat yourself to Southern Kentucky hospitality in London and Laurel County! Attractions include the Levi Jackson Wilderness Road State Park and Camp Wildcat Civil War Battlefield.

CIVIL WAR MUSEUM of the Western Theater



Hundreds of authentic artifacts. Voted fourth finest in U.S. by North & South Magazine. Located in historic Bardstown, Kentucky. www.civil-war-museum.org



Six major battles took place in Winchester and Frederick County, and the town changed hands approximately 72 times—more than any other town in the country! www.visitwinchesterva.com

HISTORIC Roswell, Georgia



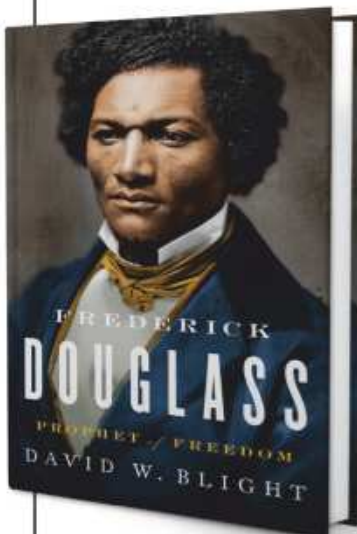
Whether you love history, culture, the peacefulness of the great outdoors, or the excitement of entertainment, Roswell offers a wide selection of attractions and tours. www.visitroswellga.com



RACE MAN

Man of Parts

Douglass, shown in the 1870s, played many roles, all of them adamantly.



Frederick Douglass: Prophet of Freedom

By David W. Blight
Simon & Schuster,
2018; \$37.50

The 19th century's most photographed black man and one of the era's most prolific writers and speakers, Frederick Douglass was a philosopher, constitutionalist, theologian, and advocate of natural rights. Emulating Jeremiah and Isaiah, he cast himself as a prophet scornful of slaveholders, their poor white neighbors, Democrats—and Christianity itself, for countenancing the peculiar institution.

Born into bondage, Douglass hardly knew his mother, who died early, and never learned his white father's name. A slave owner's wife taught him to read on the sly. The book *Columbia Orator* introduced the youth to notions of freedom, liberty, and human rights; a semi-literate laborer gave him faith and an "insatiable desire for knowledge." Teaching fellow slaves to read molded him into the "greatest antislavery orator of the 19th century," Blight writes.

Escaping at 20 to New Bedford, Massachusetts, he found a mentor—later, a tormentor—in radical abolitionist William Lloyd Garrison.

At an 1841 event, Garrison invited Douglass, 23, to speak. The younger man's extemporaneous story so enthralled listeners that Douglass went on the lecture circuit, eliciting laughter and tears. "I have no love for America," he declared. After nine years as a fugitive, Douglass toured the British Isles, where activists raised funds to buy his freedom.

In 1847, Douglas founded the *North Star* to pillory slavery in the South and racism in the North. He espoused a radical reading of the Constitution, claiming the nation's fundamental document required abolition. Decrying the Fugitive Slave Act, he advocated killing slavehunter "bloodhounds." A friend of John Brown—the alliance led to Douglass's flight to Canada, then to England—Douglass argued against the Harpers Ferry Arsenal attack.

Fort Sumter crystallized Douglass's view that God meant to destroy the South. Demanding the Union Army enlist blacks, he recruited them into uniform. Afterwards, he advocated

black enfranchisement and equal rights, but no coddling for former slaves. “If the Negro cannot stand on his own legs, let him fall,” he thundered. He served three presidents, writing three autobiographies whose tone varied by the era. He could be petty and self-destructive. An archivist of slights, he trash-talked Native

Americans, Catholics, and the Irish. Blight, who uses this well-documented doorstep to take petty shots of his own at today’s GOP, fails to note that Douglass cherry-picked the Bible, skipping contradictory epigrams. Aficionados will find much to like here.

—**Richard Culyer writes in Hartsville, S.C.**

SUNSHINE AND SHADOW

Both these men were New York Democrats, though their interplay mattered less than the title implies. Nonetheless theirs was a partnership that does deserve historical attention, which this fine dual biography provides.

No one yearns to plow through another life of Franklin Delano Roosevelt (1882-1945). Mercifully, journalist Golway limits himself to FDR’s pre-presidential years. By that era, Al Smith (1873-1944) had passed his prime; Golway sticks with Smith to the end.

The author has an easy time with his protagonists’ wildly divergent youths. A Lower East Sider who quit school at 13, Smith caught local Tammany eyes with his energy. A few years of ward-heeling apprenticeship propelled him to Albany in 1904 as an assemblyman and, soon, a figure of influence.

A wealthy Harvard man, FDR found politics

more fun than lawyering. No one took this Roosevelt seriously until 1910, when he ran for state senate in his home district and upset a veteran Republican. Drawn to bigger doings, he worked for Woodrow Wilson’s election in 1912, becoming assistant secretary of the Navy, an office distant cousin Theodore had held in 1898. The two got along, and FDR was not above capitalizing on their famed name.

Struck by infantile paralysis in 1921, Roosevelt spent his recovering years building power in New York politics. He backed Smith’s campaign for the governorship, which Smith held 1922-28, gaining a national presence for his progressive reforms and contempt for Prohibition.

Roosevelt hung back until Smith, running for president in 1928, persuaded the younger man, who knew it was not a Democratic year, to seek his former job. FDR’s narrow victory amid a Republican landslide vaulted him into the national spotlight.

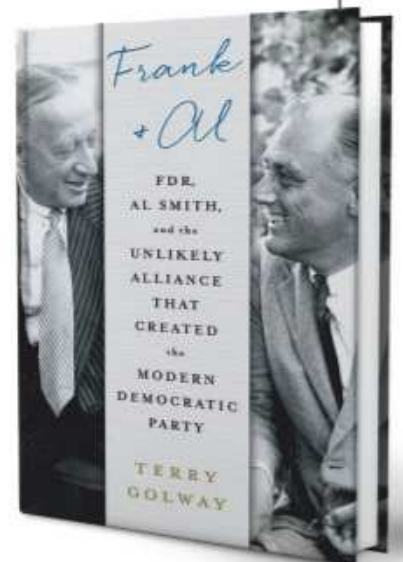
That outlier victory also ended their collaboration. Disheartened after his loss in 1928—a campaign year with unnerving parallels to 2016—Smith believed Roosevelt was stiffing him. Smith plumped for FDR in 1932 but grew to hate the New Deal so that in 1936 he endorsed Alfred Landon and in 1940 Wendell Wilkie.

Golway admires both but rocks no historical boats by admitting to liking Smith better. Each man had charisma and attracted fierce loyalty, but Roosevelt put political success over ideals. If FDR made a controversial decision, especially on civil rights, it likely was the result of pressure exerted by wife Eleanor.

Smith never soft-pedaled his opinions even when they cost him votes. He denounced Prohibition during the 1920s when the anti-hooch brigade was waxing as wroth as today’s opponents of abortion. FDR disdained the 19th Amendment—but, until the 1930s, in private.

Frank and Al is an insightful account of two giants of 20th century American politics.

—**Mike Oppenheim writes in Lexington, Kentucky.**



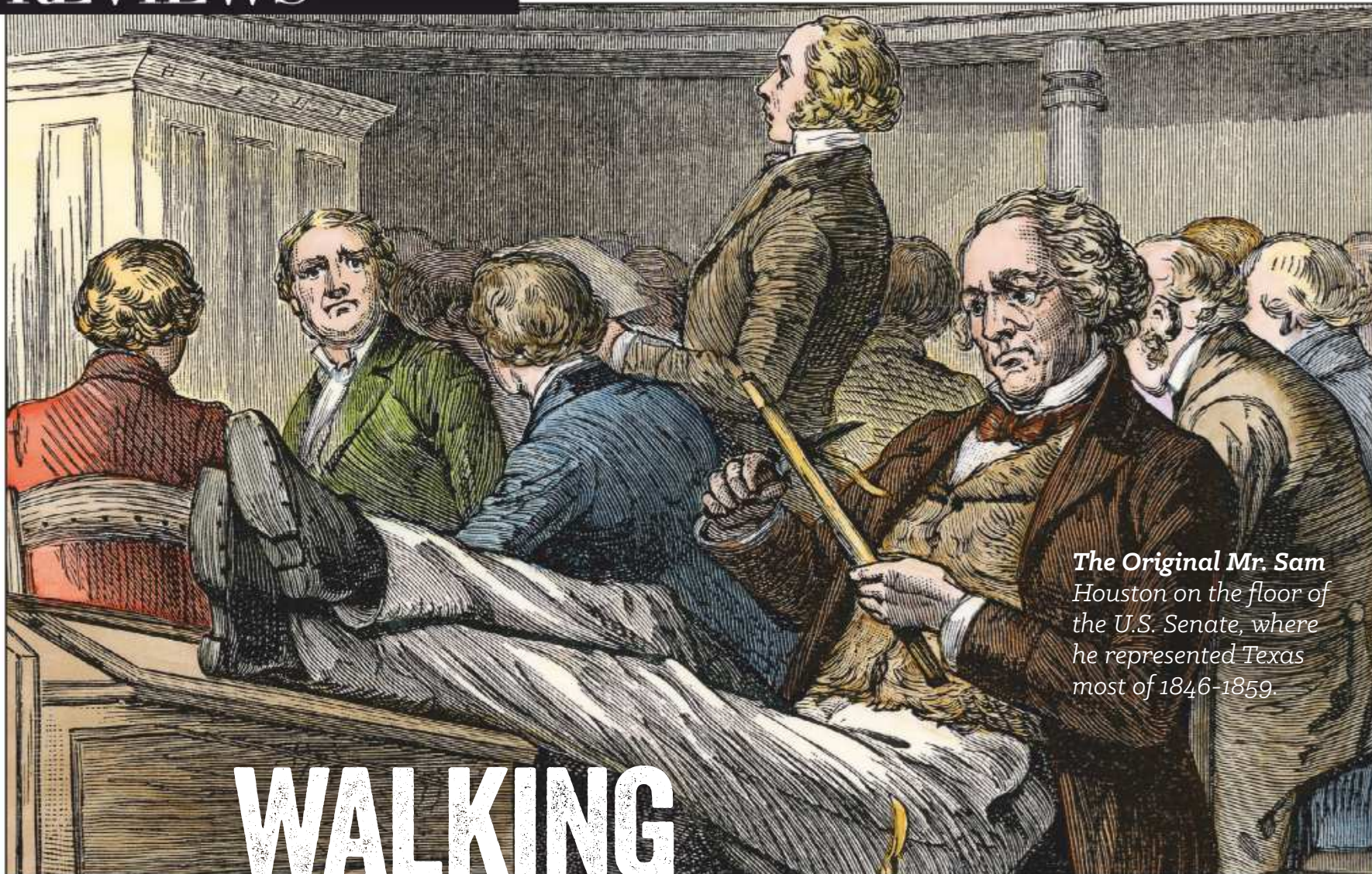
Frank and Al: FDR, Al Smith and the Unlikely Alliance that Created the Modern Democratic Party

By Terry Golway
St. Martin’s, 2018;
\$29.99



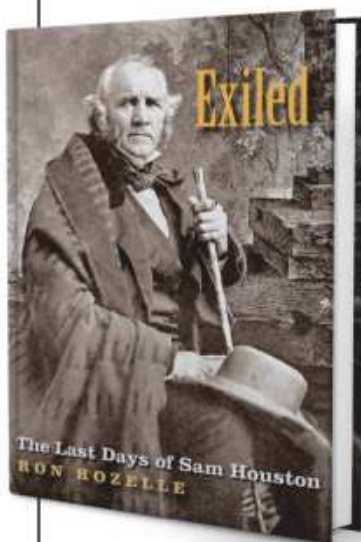
Men of Party

Smith, left, stood with Roosevelt at Madison Square Garden to start the 1932 campaign.



The Original Mr. Sam Houston on the floor of the U.S. Senate, where he represented Texas most of 1846-1859.

WALKING CONTRADICTION



Exiled: The Last Days of Sam Houston

By Ron Rozelle
Texas A&M, 2017;
\$29.95

Usually hailed as the hero of the 1836 Battle of San Jacinto, which gained Texas independence from Mexico, Sam Houston enjoyed such popularity as to assure his election as president of the Republic of Texas, U.S. senator from Texas, and that state's governor. It may surprise Texans regarding Houston as an avatar of valor and service to learn that, late in his influential life, their antecedents ranked Houston a traitor and booted him from politics. Oh, and fellow Southerners vilified him.

Rozelle explains this veiled history by focusing an enlightening biography on those troubled latter years. He skips most of Houston's much-mentioned military career to focus instead on his family life, his careers as a U.S. senator and governor, and the lonely stand opposing secession and the Civil War that led to his ostracism. A very human, colorful, and honorable portrait emerges.

In youth, Houston left home to spend a formative interlude living among the Cherokee. Rozelle conveys the mutual devotion that bloomed and flourished between Sam and wife Margaret despite their often relocating

and being separated by his work as they built a family that grew to seven children.

Houston was a walking contradiction—a slaveowner who strongly opposed secession and the Confederacy. That anti-secession stance and his strong support for Indian rights alienated him from fellow Southern senators. Upon leaving the Senate, he ran successfully for the Texas governorship, only to be recalled in 1861 for refusing to swear allegiance to the Confederacy. He retired to his home in Huntsville to live in physical decline and isolated from all but family. Rozelle has delivered an accessible and engaging biography from an unexpected angle. His speculative tendencies grate on the historiographical ear, but he thoroughly documents his facts. This well-written, informative, and empathetic look at a titan of Texas explicates aspects of a seminal figure often insufficiently examined.

—Barbara Finlay, professor emerita in sociology at Texas A&M University, has written extensively on social history. Her most recent American History article was “The Best Kind of Cultural Collision” (August 2018).

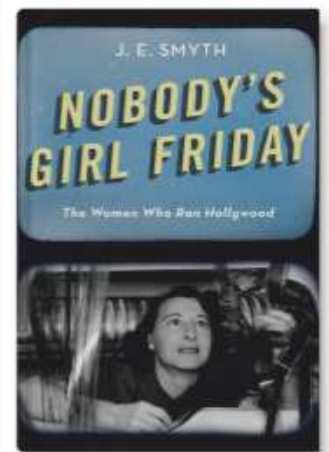
CHERISH THE LADIES...OR ELSE

Lurking in J.E. Smyth's analysis of power in the American movie industry in the 1930s and 1940s is an important thesis: that while the French *auteur* construct, which treats the director as the "author" of a film, has prevailed in the United States since the 1960s, the *auteur* aesthetic obscures filmmaking's essentially collaborative nature. Smyth argues, justifiably, that writers of movie history should pay more heed to contributions by screenwriters, editors, actors, designers, and the decision-makers, particularly women, who coordinate those talents.

Smyth, a professor at Britain's University of Warwick, pored over masses of documents to marshal interesting facts, such as that fully a quarter of Screen Writers Guild members in

the 1930s and 1940s were women. And she spotlights women shortchanged in most film histories, such as Mary C. McCall Jr., who served three terms as Writers Guild president, and Barbara McLean, chief editor at 20th Century Fox and seven-time Oscar nominee.

However, Smyth writes as though she is revealing Hollywood history when much of that news is very well known, such as Bette Davis's battles with Warner Brothers for more challenging parts and Edith Head's dominance in cinematic costume design. Smyth's feminist agenda leads her into discussions of whether powerful women helped other women, rather than what those women contributed to the industry. Unvarnished misanthropy makes many of her analyses suspect.



Nobody's Girl Friday: The Women Who Ran Hollywood

By J.E. Smyth
Oxford, 2018; \$20.95

******* An intriguing mix of fears, and history, briskly paced and cleverly told.**

It was fun to read about St. Augustine in the aftermath of the War of Northern Aggression.

- Steve Berry, *NYT* and *International bestselling Author*

******* An extremely informative historical novel, Redfish Oak is a suspenseful murder mystery, and an inspiring Bildungsroman all rolled into one amazing story.**

- Lance Carden, *Author and Christian Science Monitor editor (ret)*

THE CIVIL WAR WAS OVER,
BUT SOME BATTLES RAGED ON.

REDFISH OAK



George Putnam & Jewel Grutman

******* A splendid, thoughtful, page-turning, Southern Gothic thriller of an historical novel!**

- Francis B. Randall, *Professor Emeritus of History, Sarah Lawrence College*

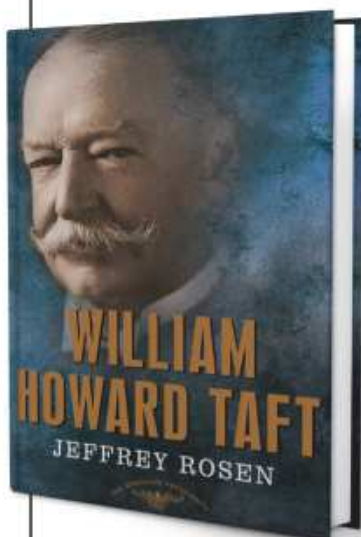
******* Well-written and a pleasure to read. Redfish Oak emphasizes St. Augustine's struggle with racism following the Civil War and the Indian Wars. A captivating tale of conflict between the forces of the old and new South and the involvement of three youngsters in the struggle, it succeeds as a sound historical novel as well as a touching human story.** - Robert Gold, *author, critic, history professor*

Moreover, Smyth undercuts her own credibility with flagrant overstatement and questionable scholarship—it is simply not so that Maisie Ravier, played by Ann Southern in B movies at MGM, is “a heroine as durable as Scarlett O’Hara.” Smyth is sloppy on detail—she even gets motion picture titles wrong—and mistakes pap that studio publicity departments ginned up to appear under actresses’ fan magazine bylines as revelations of deeply held beliefs. Despite the imprimatur of a major university press, *Nobody’s Girl*

Friday, in addition to an embarrassment of typographical errors, is riddled with bad grammar.

Smyth does argue convincingly that film historians must move beyond their directorial fetish, and that many women deserve more attention for what they contributed to Hollywood’s golden era. Hers is, unfortunately, not the volume that does the job.

—**Daniel B. Moskowitz, who writes the SCOTUS 101 column, spent a lot of time at movies in the 1940s.**



William

Howard Taft

By Jeffrey Rosen
Times Books, 2018;
\$26

PARADE OF PRESIDENTS

Times Books’ admirable American Presidents series closes with this slim limning of the 27th president. William Howard Taft (1857-1930) was a lawyer, and this insightful, brief—137 pages—account by Rosen, law professor at George Washington University, admits that Taft was happiest as a judge and solicitor general before 1900, the year President and fellow Ohio Republican William McKinley named him governor general of the Philippines, a role in which Taft performed superbly. In 1904 Theodore Roosevelt appointed Taft secretary of war. He became the president’s closest advisor and designated successor, easily winning election in 1908. Taft shared his predecessor’s progressivism but not Roosevelt’s broad reading of presidential power. A strict constructionist, Taft refused to lobby or twist arms to achieve goals not rooted in law. The Republican establishment loved this. Not so TR, who, breaking with Taft for firing administrative favorites of his, challenged his protégé in 1912. When Republican leaders made sure Taft got the nomination, Roosevelt bolted the party, and everyone knows what happened.

Historians rank Taft as middling of accomplishment. As partial as most biographers, Rosen feels his man deserves better but acknowledges that Taft endured an unhappy term. Matters improved in 1921 when President Warren G. Harding named him chief justice, a position Taft thoroughly enjoyed.

Since 2001 the Times Books series has been

offering brief, opinionated, and cheap—\$8 to \$25 on Amazon—biographies that show well on the shelf, although no entry on a major president breaks ground.

However, in his volume on John Adams John Patrick Diggins presents a portrait more balanced—read stubborn and bad-tempered—than David McCullough’s bestseller. As his subject did, Diggins snipes at Thomas Jefferson, of whom Joyce Appleby renders a politically correct but astute portrait, making no attempt to reverse the fade of our third president’s reputation. On Lincoln, George McGovern delivers an adulatory account, perhaps the weakest of the lot.

Biographers of lesser-ranked presidents can’t resist the urge to uplift. Journalist Tom Wicker uses his experience covering Eisenhower to draw a flattering portrait. Josiah Bunting, Kevin Phillips, and John Dean—yes, *that* John Dean—insist provocatively but not entirely persuasively that other writers under-rate Grant, McKinley, and Harding. Zachary Karabell makes clear that Chester A. Arthur was likeable and not at all incompetent. Ted Widmer argues that Martin Van Buren deserves more credit for being the brains behind Andrew Jackson, and that Jackson, not Jefferson, founded the Democratic Party.

Historians habitually label bad presidents weak, but Jean Baker insists James Buchanan was a strong figure of solid convictions who hewed to a pro-Southern line for nearly four years; only after the shock of secession did Buchanan slump into his much-criticized torpor. This first biography of Buchanan from a major publisher in a century may be the series’ most significant contribution.

—**Mike Oppenheim writes in Lexington, Kentucky.**

AMERICAN History

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION (required by Act of August 12, 1970: Section 3685, Title 39, United States Code). 1. American History 2. (ISSN: 1076-8866) 3. Filing date: 10/1/18. 4. Issue frequency: Bi Monthly. 5. Number of issues published annually: 6. 6. The annual subscription price is \$39.95. 7. Complete mailing address of known office of publication: HistoryNet, 1919 Gallows Rd. Suite 400, Vienna, VA 22182. Contact person: Kolin Rankin. 8. Complete mailing address of headquarters or general business office of publisher: HistoryNet, 1919 Gallows Rd. Suite 400, Vienna, VA 22182. 9. Full names and complete mailing addresses of publisher, editor, and managing editor. Publisher, Michael A. Reinstein, HistoryNet, 1919 Gallows Rd. Suite 400, Vienna, VA 22182, Editor, Michael Dolan, HistoryNet, 1919 Gallows Rd. Suite 400, Vienna, VA 22182, Editor in Chief, Alex Neill, HistoryNet, 1919 Gallows Rd. Suite 400, Vienna, VA 22182. 10. Owner: HistoryNet; 1919 Gallows Rd. Suite 400, Vienna, VA 22182. 11. Known bondholders, mortgages, and other security holders owning or holding 1 percent of more of total amount of bonds, mortgages or other securities: None. 12. Tax status: Has Not Changed During Preceding 12 Months. 13. Publisher title: American History. 14. Issue date for circulation data below: October 2018. 15. The extent and nature of circulation: A. Total number of copies printed (Net press run). Average number of copies each issue during preceding 12 months: 43,727. Actual number of copies of single issue published nearest to filing date: 42,071. B. Paid circulation. 1. Mailed outside-county paid subscriptions. Average number of copies each issue during the preceding 12 months: 27,945. Actual number of copies of single issue published nearest to filing date: 27,367. 2. Mailed in-county paid subscriptions. Average number of copies each issue during the preceding 12 months: 0. Actual number of copies of single issue published nearest to filing date: 0. 3. Sales through dealers and carriers, street vendors and counter sales. Average number of copies each issue during the preceding 12 months: 1,747. Actual number of copies of single issue published nearest to filing date: 2,338. 4. Paid distribution through other classes mailed through the USPS. Average number of copies each issue during the preceding 12 months: 0. Actual number of copies of single issue published nearest to filing date: 0. C. Total paid distribution. Average number of copies each issue during preceding 12 months: 29,692. Actual number of copies of single issue published nearest to filing date: 29,705. D. Free or nominal rate distribution (by mail and outside mail). 1. Free or nominal Outside-County. Average number of copies each issue during the preceding 12 months: 0. Number of copies of single issue published nearest to filing date: 0. 2. Free or nominal rate in-county copies. Average number of copies each issue during the preceding 12 months: 0. Number of copies of single issue published nearest to filing date: 0. 3. Free or nominal rate copies mailed at other Classes through the USPS. Average number of copies each issue during preceding 12 months: 1,272. Number of copies of single issue published nearest to filing date: 582. E. Total free or nominal rate distribution. Average number of copies each issue during preceding 12 months: 1,272. Actual number of copies of single issue published nearest to filing date: 582. F. Total free distribution (sum of 15c and 15e). Average number of copies each issue during preceding 12 months: 30,964. Actual number of copies of single issue published nearest to filing date: 30,287. G. Copies not Distributed. Average number of copies each issue during preceding 12 months: 12,763. Actual number of copies of single issue published nearest to filing date: 11,784. H. Total (sum of 15f and 15g). Average number of copies each issue during preceding 12 months: 43,727. Actual number of copies of single issue published nearest to filing date: 42,071. I. Percent paid. Average percent of copies paid for the preceding 12 months: 95.9%. Actual percent of copies paid for the preceding 12 months: 98.1%. 16. Electronic Copy Circulation: A. Paid Electronic Copies. Average number of copies each issue during preceding 12 months: 0. Actual number of copies of single issue published nearest to filing date: 0. B. Total Paid Print Copies (Line 15c) + Paid Electronic Copies (Line 16a). Average number of copies each issue during preceding 12 months: 29,692. Actual number of copies of single issue published nearest to filing date: 29,705. C. Total Print Distribution (Line 15f) + Paid Electronic Copies (Line 16a). Average number of copies each issue during preceding 12 months: 30,964. Actual number of copies of single issue published nearest to filing date: 30,287. D. Percent Paid (Both Print & Electronic Copies) (16b divided by 16c x 100). Average number of copies each issue during preceding 12 months: 95.9%. Actual number of copies of single issue published nearest to filing date: 98.1%. I certify that 50% of all distributed copies (electronic and print) are paid above nominal price: Yes. Report circulation on PS Form 3526-X worksheet. 17. Publication of statement of ownership will be printed in the February 2019 issue of the publication. 18. Signature and title of editor, publisher, business manager, or owner: David Steinhafel, Associate Publisher. I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanction and civil actions.

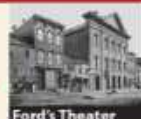


GREAT HOLIDAY GIFT IDEA!



On the night of April 14, 1865, John Wilkes Booth entered Ford's Theater and shot President Abraham Lincoln.

In Lincoln's pockets that night were 9 items, one of which was his favorite pocket knife purchased in Kentucky, a 6-blade ivory handled Congress engraved Wm. Gilchrist's Celebrated Razor Steel, made in Sheffield, England.



Contents of Lincoln's pockets the night he was assassinated.



This pocket knife, that you may own, is an **Exact & Faithful** replica of the Sheffield, England, UK classic Congress style pocket knife owned by Abraham Lincoln. Lincoln's original is now in the Library of Congress in Washington, D.C.



Own a piece of Americana! Abraham Lincoln's Pocket Knife

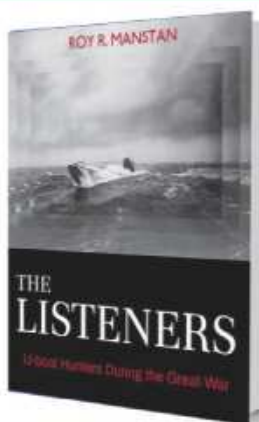


- ★ Unmatched Detailed Craftsmanship
- ★ Celebrated Razor Steel Blades
- ★ Brass Pins & Nickel Silver Bolsters
- ★ Deluxe Ash Case with Velvet Cushion
- ★ Certificate of Authenticity
- ★ Collector's prize, not available after this offer!

Shipping & Handling Included **\$119.00**

www.Lincolnpocketknife.com

The untold story of the American civilians who changed the course of World War I



Roy R. Manstan's *The Listeners* documents the rise of German submarines in World War I and the Allies' successful use of listening devices that are the precursors to modern-day sonar.

"Manstan, who spent a thirty-year career as a civilian engineer involved in cutting-edge SONAR research, tells his story with rare clarity, thoroughness, verve, and an insider's knowledge few other Naval historians could match." —Stephen Spotte, PhD, author of *My Watery Self: Memoirs of a Marine Scientist*

\$34.95 • cloth

WESLEYAN
UNIVERSITY PRESS

wesleyan.edu/wespress

Subscribe Today!

HistoryNet is the world's largest publisher of history magazines; visit **SHOP.HISTORYNET.COM** to subscribe to any of our nine titles

HISTORYNET



AN AMERICAN PLACE

In Rocky Mount, North Carolina...

...birthplace in 1917 of jazz legend Thelonious Monk, a cinema founded in 1929 as the Savoy and in 1936 renamed the Booker-T still stands, renovated in 2011. The nearby and dormant American Tobacco factory in 1946 saw the first strike called in Operation Dixie, a black workers' campaign that prefigured the modern civil rights movement. Tobacco always has thrived in the region—North Carolina's northeast corner, nicknamed the Bright Belt for the regnant tobacco variety's gold color, achieved when enslaved worker Stephen Slade dried the leaf over embers instead of flame. However, tobacco was Rocky Mount's second act; the first was cotton. Rocky Mount Mills, which opened in 1818, stands about a mile from downtown, alongside the Tar River. Before the Civil War, the mill hired enslaved and free blacks; afterwards, only white women and children. The mill supplied fabric to the Confederate army until 1863, when Union troops torched the premises. During WWII the mill supplied the U.S. Army. Closed in 1996 but spared demolition, the complex has been revived and repurposed into a 150-acre live-work-play development (rockymountmills.com). Second-generation owner Benjamin Battle's 1835 house holds a restaurant. Two more restaurants are on site, along with four breweries. —Sarah Richardson

Sold American
Rocky Mount, North Carolina, is working to revive its downtown as well as bring revamped purpose to a historic mill complex.



PHOTO BY MARK ADCOX, CITY OF ROCKY MOUNT, NORTH CAROLINA; COURTESY OF ROCKY MOUNT MILLS

PROUDLY



SERVING THE MILITARY

For over 75 years, we've stood by the men and women dedicated to protecting our country.

That's been GEICO's mission since day one. We understand your needs and we're here to provide you with great coverage, flexible payment options, numerous discounts and overseas coverage to fit your unique lifestyle.

We stand ready to serve you.

Get a quote today.

GEICO[®] MILITARY

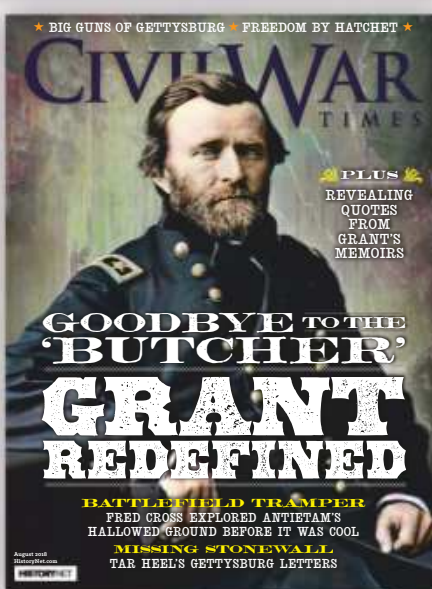
geico.com | 1-800-MILITARY | Local Office

Some discounts, coverages, payment plans and features are not available in all states, in all GEICO companies, or in all situations.
GEICO is a registered service mark of Government Employees Insurance Company, Washington, D.C. 20076; a Berkshire Hathaway Inc. subsidiary. © 2018 GEICO

LIMITED-TIME HOLIDAY OFFER

TWO-FOR-ONE SPECIAL!

CHOOSE ANY **TWO** SUBSCRIPTIONS FOR ONLY **\$29.99**



CALL NOW! 1.800.435.0715

PLEASE MENTION CODE **78HADX** WHEN ORDERING

Order by December 6 and you'll receive **FREE** gift announcement cards that you can send out in time for the holidays!

*For each MHQ subscription add \$15